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THE

ACTS AND RESOLVES,

PUBLIC AND PRIVATE,

OF THE

PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT
OF THE COMMONWEALTH FOR THE YEAR 1867.

VOLUME XX.,
BEING VOLUME XV. OF THE APPENDIX.

CONTAINING

RESOLVES, ETC., 1777-1778.

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RESOLVES, ORDERS, VOTES,
ETC.

PASSED 1777-78.

LEGISLATIVE LIST¹

FOR

1777-78.

Action by MAJOR PART OF THE COUNCIL, from May 28, 1777.

JOHN AVERY, JR.,

DEPUTY SECRETARY.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;

HON. JAMES BOWDOIN	}	ESQRS.	HON. BENJAMIN WHITE	}	ESQRS.
ARTEMAS WARD			BENJAMIN AUSTIN		
BENJAMIN GREENLEAF			HENRY GARDNER		
CALEB CUSHING			DANIEL HOPKINS		
RICHARD DERBY			JOSEPH PALMER		
JOHN WHETCOMB			TIMOTHY EDWARDS		
SAMUEL HOLTEN			OLIVER PRESCOTT		
JABEZ FISHER			JOSIAH STONE		
MOSES GILL			TIMOTHY DANIELSON		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;

HON. WILLIAM SEVER	}	ESQRS.	HON. DANIEL DAVIS	}	ESQRS.
WALTER SPOONER			NATHAN CUSHING		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine;

JEREMIAH POWELL, CHARLES CHAUNCEY & DAVID SEWALL, ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahoc & Nova Scotia;

HON. JOHN TAYLOR, ESQ.

For the State at large :—

HON. THOMAS CUSHING & FRANCIS DANA, ESQRS.

¹ See Legislative Records of the Council, xxxvii., (1st part) 303, 306, (2d part) 1-5.

REPRESENTATIVES OR DEPUTIES.

May 28, 1777 to May 1, 1778.

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ROBERT TREAT PAINE, ESQ., SPEAKER PRO TEM:

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<i>Dunstable</i> , . .	Major Ebenezer Bancroft.
<i>Lincoln</i> , . . .	Col. Eleazer Brooks.
<i>Wilmington</i> , .	Major Timothy Walker.
<i>Littleton</i> , . . .	M ^r W ^m Henry Prentice.

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<i>Duxbury</i> , .	George Partridge, Esq., Mr. Peleg Wadsworth.
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<i>Bridgewater</i> , .	Col. Edward Mitchell, Nathaniel Reynolds, Esq.

COUNTY OF PLYMOUTH — *Concluded*.

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<i>Westborough</i> , . .	Capt. Stephen Maynard, Mr. Daniel Forbes.
<i>Northborough</i> , . .	Col. Levi Brigham.
<i>Shrewsbury</i> , . .	Mr. Jonas Stone.
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<i>Uxbridge</i> , . .	Col. Joseph Reed.
<i>Northbridge</i> , . .	Mr. Jonathan Bacon.
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<i>Bolton</i> , . .	Samuel Baker, Esq.
<i>Sturbridge</i> , . .	Mr. Daniel Fisk, Mr. Joshua Harding.
<i>Hardwick</i> , . .	Brigadier Jonathan Warner, Col. Stephen Rice.
<i>Western</i> , . .	Mr. Isaac Gleazen, Mr. Thomas Rich.
<i>Leominster</i> , . .	Capt. John Joslin, Israel Nichols, Esq.
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<i>Grafton</i> , . .	Mr. Joseph Batchellor.
<i>Petersham</i> , . .	Col. Jonathan Grout, Capt. Elisha Ward, Mr. Samuel Dennis.

COUNTY OF WORCESTER—*Concluded.*

<i>Royalston</i> , . .	Mr. Timothy Richardson.
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<i>Templeton</i> , . .	Capt. John Richardson.
<i>Princeton</i> , . .	Mr. William Thompson.
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<i>Winchendon</i> , . .	Mr. Robert Bradish.
<i>Upton</i> ,	Mr. James Bradish.
<i>Dudley</i> ,	Major William Learned, Mr. Edward Davis.
<i>Paxton</i> ,	Capt. Phineas Moore.
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<i>Georgetown</i> , . .	Samuel M ^c Cobb, Esq.
<i>Vassalborough</i> , . .	Capt. Abiel Lovejoy.

¹ House Journal, June 23, 1777.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1777.

CHAPTER 1.

RESOLVE EMPOWERING THE JUDGE OF THE MARITIME COURT FOR
THE SOUTHERN DISTRICT TO ACT IN THE MARITIME COURT FOR
THE MIDDLE DISTRICT.

WHEREAS the hon^{ble} Tim^o Pickering Esq^r Judge of the maritime Court for the Middle District is again absent from this State, and several vessels have been libelled in his Court and others have since been brought into the said District and may hereafter, during the absence of the said Judge, be brought into the same District: and it being doubted whether the Judge of the Maritime Court for the Southern District has authority by virtue of a Resolve made by the Great and General Court on the Eleventh Day of December 1776 to try the Justice of the Capture of any such vessels as are aforementioned

Legislative
Records of the
Council, (2nd
part), 6.
Mass.
Archives,
ccxiv., 80.
Province
Laws, xix., 726,
chap. 681.

Therefore be it

Resolved that the Judge of the Maritime Court for the Southern District be and hereby is fully authorised and impowered in the absence of the Judge of the Maritime Court for the Middle District to try the Justice of the Capture of all such vessels as are above mentioned and give judgment thereupon as fully to every intent and purpose as the said Judge of the Maritime Court for the Middle District might or cou'd do if he was personally present.
[*Passed May 30.*]

CHAPTER 2.

APPOINTMENT OF FIELD OFFICERS OF THE FIFTH SUFFOLK COUNTY
REGIMENT OF MILITIA.

In the House of Representatives

The House made choice by ballot of the following Gentlemen as Field Officers of the fifth Regiment of Militia in the County of Suffolk viz

Ebenezer Thayer	tertius	.	.	.	.	.	.	Colonel
Edward Billings	.	.	.	.	.	.	.	Lieut: Colonel
Seth Turner	.	.	.	.	.	.	.	first Major

Legislative
Records of the
Council, (2nd
part), 7.
Mass.
Archives,
ccxiv., 81.

In Council

Read & Concurred. [*Passed May 31.*]

CHAPTER 3.

COMMITTEE APPOINTED TO EXAMINE MUSTER ROLLS.

In the House of Representatives.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 7.
Mass.
Archives,
ccxiv., 82.

Ordered That M^r Sergeant, M^r Vaughan M^r Brown of Framingham, Coll Low & Coll Little, with such as the Hon. Board shall join, be a Committee to examine the Muster Rolls of Officers in the Service of this State

In Council

Read & Concurred and Benjamin White & Daniel Davis Esq^{rs} are joined. [*Passed May 31.*]

CHAPTER 4.

RESOLVE ON THE PETITION OF JAMES RICHARDS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 8.
Mass.
Archives,
clxxxii., 406.

ON THE PETITION of James Richards of Norwalk in behalf of his brother now a Prisoner in New York Goal praying that M^r Benjamin Davis now a Prisoner in Boston Goal may be sent in Exchange for his said Brother.

Resolved that the prayer of the within petition be granted, & that Benjamin Davis now a Prisoner in the Goal in the town of Boston, be exchanged for Cap^t Samuel Richards a prisoner in New York, provided that proper care be taken that sd Davis does not carry any papers with him & is cautiously sarched when deliver'd up. And it is also

Resolved that Benjamin Davis jun^r Son of the aforesaid Davis, now a Prisoner in Boston Goal be exchanged for Mr John Callender a Prisoner in New York, provided due caution be taken that he does not carry any papers with him & is properly sarched when deliver'd up. But if said Callender or some person of equal rank should not be procured in Exchange for said Davis that said Davis be returned to this State. [*Passed June 2.*]

CHAPTER 5.

RESOLVE ON THE PETITION OF THOMAS JONES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 9.
Mass.
Archives,
ccxiv., 83.

ON THE PETITION of Thomas Jones Shewing, That he was taken on his Passage from Nova Scotia to Jamaica and brought into this State together with his Wife, therefore prays Liberty to Purchase a Small schooner to proceed to England with his Wife and Servant and a Sufficient number of hands to man said Vessel in Ballast &c.

Resolved that on the Petitioner Thomas Jones^{es} Procuring the Inlargment and Discharge of A Master of A vessell a Mate & three seamen belonging to this State, if to be obtained if not to either of the united States who are now Prisoners in the Hands of the British Tr[oops, the]¹ said Thomas Jones have Liberty [under the direction of the Committee]¹ of [the]¹ Place from Which the vessell he may Purchase Shall depart, to Purchase A vessell not exceeding fifty tons and in her to depart this Continent with his Wife A Mate and three men said vessell to Proceed in her Ballast and to be Properly search^d by the aforesaid Commity that she Carry No more Provisions or any other article than is Nessacary for the above Persons [or a]ny¹ Letters or Papers Except the Permitt for her sailing. [*Passed June 2.*]

Mass.
Archives,
ccxiv., 84.

¹ Inserted from Legislative Records of the Council.

CHAPTER 6.

APPOINTMENT OF A COMMITTEE FOR COMMISSIONATING THE OFFICERS OF THE 15 BATTALIONS OF CONTINENTAL TROOPS.

In the House of Representatives.

The House made choice by ballot of Azor Orne Esq^r George Partridge Esq^r Jonathan Webster Esq^r Cap^t Seth Washburn and Cap^t Joseph Hosmer a Committee for commissionating the Officers now raising Men for the fifteen Battalions of Continental Troops raising in this State

In Council

Read & Concurred. [*Passed June 3.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 13.
Mass.
Archives,
ccxiv., 89.

CHAPTER 7.

RESOLVE FOR SUPPLYING THE ARMY WITH STORES.

Resolved that the Committee for supplying the Army with stores be and hereby are directed immediately to procure Teams & Carriages, either by hire or purchase as they shall find most expedient, and that they forward all such stores to the place of their Destination with the greatest dispatch: That they engage a sufficient number of Guards, Teamsters &c for the protection and conveyance of the same, by Inlistment or otherwise as soon as may be; and that said Committee make return to this House once in fourteen Days, at least, of their doings hereon, and of any Defect that may come to their knowledge of the ample Allowance and supply of the soldiers belonging to this State. [*Passed June 3.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 12.
Mass.
Archives,
ccxiv., 88.

Mass.
Archives,
ccxiv., 68.

CHAPTER 8.

APPOINTMENT OF A COMMITTEE TO CONSIDER DISCHARGING MILITIA ORDERED TO TICONDEROGA WITH REPORT.

[In t]he¹ [House]¹ of Represe[ntatives].¹

Ordered. That M[r]¹ Wetmore and Maj^r Goodman, with such as the Hon Board shall join, be a Committee to consider the expediency of discharging the Militia that were order'd to Ticonderoga, from the Counties of Hampshire & Berkshire & report

In Council

Read & Concurred and Joseph Palmer Esq^r is joined.

The above Com^{tee} Report, That a Letter be immediately sent to the Commanding Officer at Ticonderoga, to be signed by the President of the Council, desiring him to dismiss the Militia of the Counties of Hampshire & Berkshire that have lately been ordered upon that Post, or such part of them as he may judge consistant with the safety of the public.

In Council

Read & Accepted

In [the house of Rep]resenta^{ves} 1

[Read & Con]curred.¹ [*Passed June 3.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 12.
Mass.
Archives,
ccxiv., 87.

¹ Inserted from Legislative Records of the Council.

CHAPTER 9.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 13.
Mass.
Archives,
ccxiv., 90.

RESOLVE DIRECTING THE COMMITTEE ON MUSTER ROLLS TO ALLOW WAGES AND MILEAGE.

Resolved that the Committee on Muster Rolls Exammine and allow the Rolls Presented By The Officers of this State for Wages and Milage Agreeable to the Resolves of the General Court of this State. [*Passed June 3.*]

CHAPTER 10.

RESOLVE CONTAINING DIRECTIONS TO THE COMMITTEE APPOINTED TO COMMISSION THE OFFICERS OF THE 15 BATTALIONS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 14.
Mass.
Archives,
ccxiv., 98.

Resolved That the Comittee yesterday Appointed to Commis- sion the officers of the Fifteen Battallions in the Continental Army belonging to this State be and they hereby are directed to Commission those Officers to Whom beating orders have been Issued who have Inlisted their Quotas of men agreeable to the Resolutions of the Honourable Continental Congress determining the number of men Each Company should Consist of, Altho said officers should Exceede Eight companies to A Battallion: provided they apply for their Commissio[ns] on or before the twentieth day of June Instant this Resolve to be inserted in the several News- papers within this State. [*Passed June 4.*]

CHAPTER 11.

APPOINTMENT OF A COMMITTEE TO CARRY INTO EXECUTION RE- SOLVES OF CONGRESS.

In the House of Representatives

Orderd That M^r Sumner, M^r Davis of Boston, and M^r Green- leaf with such as the Hon. Board shall join be a Committee to take into consideration some proper measures for carrying into Execution the Resolves of Congress with respect to wounded Men & report

In Council

Read & Concurred and John Whetcomb & Nathan Cushing Esq^r are joined. [*Passed June 4.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 14.
Mass.
Archives,
ccxiv., 97.

CHAPTER 12.

RESOLVE APPOINTING A COMMITTEE TO PASS UPON AND PAY AC- COUNTS.

In the House of Representatives.

Whereas a necessary attention to the more important affairs of the Government, in the present extraordinary times of difficulty and distress, renders it impracticable for this House to receive and properly examine the numerous accounts, from time to time ex- hibited against the government, according to the mode practiced

Legislative
Records of the
Council,
xxxvii. (2nd
part), 16.
Mass.
Archives,
ccxiv., 99.

before the commencement of the present war; and the payment of such accounts must be long and unreasonably delayed unless other provision be made for receiving, examining, passing upon and praying such Accounts Therefore

Resolved that Capt Thomas Brooks, Thomas Durfee Esq, M^r Thomas Plymton, Aaron Wood Esq, Jonathan Webster Esq, Capt Seth Washburn & Nathaniel Mighill Esq^r be, and they hereby are appointed a Committee for, on the part, and in behalf, of the House of Representatives, untill the further order of the General Court, to receive, examine & finally pass upon all accounts, not otherwise ordered, which shall be presented to them for allowance for services done or articles supplied by order of the General Court or any Congress of this State, such Accounts being properly vouched; And the doings of said committee, or any four of them who are hereby constituted a Quorum, shall be considered as valid as any Vote or Resolve of the House touching such Accounts, as well in the Recess of the Court as during the setting of the same, And that said Committee open An Office and Advrtise the publick thereof & of this Resolve; and that the Business be constantly attended to and effectually performed Also

Resolved that the Hon^{ble} Council, or such Committee of Council as they shall appoint therefor, be and they hereby are impowered, both in the sitting and Recess of the Court, to concur after examination all such accounts as shall have been passed by the Committee aforesaid. And in Order to prevent delays in the payment of accounts passed and allowed by said Committee of the House, and by the Council or committee of Council, it is further

Resolved that the Council be, and they are hereby, authorised from time to time to issue their Warrant, requiring the Treasurer of this State to pay into the Hands of said committee or committees such Sum or Sums of Money, from time to time, as the council shall judge proper for discharging and paying such Accounts, said committee or committees to be accountable to this Court therefor And it is further

Resolved that the committee on the part of the House shall keep an Account of the Names of the Persons, the Towns they respectively belong to and the Sums allowed them, who shall present their Accounts to said committee which committee shall lay such account before the House for perusal and inspection, once or oftner in each Session as the House shall Order. And it is also

Resolved that the Secretary be, & he hereby is, directed to keep all such Accounts as shall be Ordered to be paid in consequence of Appointments by this Resolve in separate Files Provided Always that nothing in the foregoing method provided for receiving, passing upon & allowing such Accounts shall be considered as a precedent for the future, but to have been adopted merely from the necessity of the present Times.

In Council

Read & Concurred, and Jabez Fisher, Benj^a White and Dan^r Davis Esq^{rs} are joined on the Part of the Board. [*Passed June 5.*]

CHAPTER 13.

RESOLVE ON THE PETITION OF WILLIAM LAWRENCE.

Resolved That William Lawrence of Nova Scotia have leave to depart this State in the Schooner Liberty Packet about twelve Tuns Burthen for the s^d Province of Nova Scotia he taking on

Legislative
Records of the
Council,
xxxvii. (2nd
part), 15.

Mass.
Archives,
clxxxii., 409a.

Mass.
Archives,
clxxxii., 409.

Board such Articles only as the Committee of Correspondence for the Town of Boston may judge necessary & that the s^d Lawrence have Leave to take with him Jacob Baker to assist in navigating s^d Vessell [*Passed June 5.*]

CHAPTER 14.

VOTE APPOINTING EBEN: WALES TO COUNTERSIGN NOTES.

In the House of Representatives

Legislative
Records of the
Council,
xxxvii. (2nd
part), 18.
Mass.
Archives,
ccxiv., 101.

The House appointed Cap^t Ebenezer Wales to countersign the Notes ordered to be issued for the use of the Board of War, in the room of M^r Hill, absent.

In Council

Read & Concurred. [*Passed June 5.*]

CHAPTER 15.

RESOLVE IMPOWERING COMMITTEE TO COMMISSION THOSE OFFICERS THAT HAVE INLISTED TWO THIRDS OF THEIR MEN.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 18.
Mass.
Archives,
ccxiv., 102.

WHEREAS it is of the greatest Importance to the United States, that the Troops Engaged in the Service of the Continent should Immediately march to the several places of destination, and whereas the said Troops from A Resolve of this Court, Sepcifying the number Each Core of officers should Enlist, before they should be Entitled to their Commis[sions]¹ does greatly Obstruct the forwarding the said Troops — Therefore

Resolved, That the Committee Appointed to Commission the officers of the fifteen Battallions raised in this State, be and they hereby are directed to Commission, such Officers, in the said fifteen Battalions, as have Inlisted two third parts of the men, necessary to Compleat the Companies, Agreeable to the resolves of the Hon^o Continent^l Congress for raising & Establishing Eighty Eight Battallions, for the service of the United States, anything in any Act, or resolve of the gen^l Court, to the Contrary notwithstanding, provided that no greater Number of officers of each rank be Commissioned in any Battalion than are provided for by the Establishment of Congress. [*Passed June 5.*]

CHAPTER 16.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 19.
Mass.
Archives,
ccxiv., 103.

ORDER DIRECTING COMMITTEE TO PASS ON SEACOAST COMMISSARIES ACCOUNTS.

Ordered That the Committee on Accounts receive and pass upon the Accounts of the Commissary's for the Men rais'd for the Defence of the Sea Coast. [*Passed June 5.*]

¹ Inserted from Legislative Records of the Council.

CHAPTER 17.

RESOLVE APPOINTING A COMMITTEE TO PURCHASE SLOPS AND SMALL STORES.

Resolved that William Pynchon Esq. Caleb Davis Esq. Cap George Williams M^r Robert Breck & Cap Ebenezer Lovell be and they hereby are appointed a Committee for the purpose of purchasing from time to time untill the further order of this Court at the most reasonable Terms, a quantity of such Slop or small Stores, roots & Vegetables as they shall think necessary for the present and future relief of that part of the Continental Army, both Northern & Southern that has been or shall be raised in this State: and Said Committee is hereby directed to convey the same to the Commissaries herein after appointed, in proportion to the numbers in their respective departments and take their receipts for the same, and lay their accounts before this Court for Allowance.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 19.
Mass.
Archives,
ccxiv., 104.

Resolved that the Treasurer of this State be and hereby is directed to pay into the hands of the said Committee or their order the sum of six thousand pounds to enable them to execute this Trust, they to be accountable to the general Court, when required, for the expenditure of the sums they shall respectively receive

and it is further

Resolved that M^r Hezekiah Smith for the Northern and [M]aj^r Levi Sheppard for the Southern Army be and hereby are appointed Commissaries in behalf of this State to take charge of All Stores purchased by the Committee above appointed, and by them committed to them respectively, and them to sell to the soldiers in that part of the Army raised in this State where they are appointed respectively, at the regulated price for the articles & charges and no more: The said Commissaries to be accountable to this Court for their doings in said Office, when required, & that They be each of them Allowed for their Services the sum of sixteen pounds p^r month and it is further

Resolved that each of the Commissaries aforesaid are hereby im-
powered to appoint a deputy if they shall judge necessary for the purposes aforesaid, and that said Deputies be each of them allowed the sum of Eight pounds p^r month for their services.

Further

Resolved that the Commissaries aforesaid each of them give Bonds to the Treasurer of this State in the sum of one thousand pounds with two sufficient sureties for the faithful performance of said Trust. [*Passed June 6.*¹]

CHAPTER 18.

ORDER ADDING DOCTOR DUNSMORE TO THE COMMITTEE ON ACCOUNTS.

Ordered That Doct Dunsmore be added to the Committee on Accounts for the sole purpose of examining with them any Doctors-Accounts that may be presented. [*Passed June 6.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 21.
Mass.
Archives,
ccxiv., 106.

¹ This date is June 5 according to Legislative Records of the Council.

CHAPTER 19.

RESOLVE RESPECTING THE CONVENING OF WITNESSES FOR THE TRIAL OF PERSONS INIMICAL TO THIS STATE.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 21.
Mass.
Archives,
ccxiv., 107.

WHEREAS difficulties have arisen with respect to the Power which the Court of special Sessions for the Trial of Persons inimical to this State, have for the convening Witnesses before them —

Therefore *Resolved*, That the Justices of said Court have full Power to appoint a Clerk for said Court, and have full Power to order said Clerk to issue Summonses for the Attendance of Witnesses necessary at any Trial, though such Witnesses may live in any other County than that where such Court is held, and to issue any Process for the compelling Witnesses to attend, as amply as is by Law given to the Superior Court and Court of General Goal Delivery of this State. [*Passed June 6.*]

CHAPTER 20.

RESOLVE RESPECTING THE INHABITANTS OF THE COUNTIES OF CUMBERLAND AND SUNBURY IN NOVA SCOTIA.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 22.
Mass.
Archives,
ccxiv., 113.

WHEREAS we are requested, by a Resolve of Congress of the 13th ult^o “to consider the Case of the Inhabitants of Cumberland & Sunbury Counties in Nova-Scotia, who are Sufferers by their attachment to the American Cause, & to devise & put in execution, at Continental expence, such measures as we shall think practicable & prudent for their relief,” under certain restrictions therein mentioned. And as Sundry of the Inhabitants of said Counties, & others, Inhabitants of the Eastern parts of this State, have petitioned this Court for relief & protection from the usurpation & tyranny of Britain. And as it appears to us both practicable & prudent to form an expedition to the River St Johns in Nova Scotia, in order to Secure the Inhabitants of said Counties agreeable to their petitions; to preserve our Eastern Settlements; & to prevent a communication, through said River, between our Enemies in Nova Scotia, with those in Canada; therefore

Resolved, That there be one Regiment raised, as soon as possible, in the Counties of Lincoln & Cumberland, within this State, to consist of 728 men, officers included, to be formed into eight Companies, to be upon continental Pay, & to be raised by enlistment, for a term not exceeding Six Months.

That there be a sufficient Naval force provided, to Convey all the necessary Stores to said River, or such other place as may be ordered; not only sufficient for said Regiment, but also for such volunteers & Indians as may join them in this expedition for securing that part of the Country against the depredations of the enemies to the Independency of the united States of America, all of whom shall be subject to the Rules & Regulations of the Continental army. That a general Officer be appointed by the whole Court, to command & direct this whole affair, under such orders as may from time to time be given him by the Council, to whom he shall frequently make returns of the State & circumstances of the forces, & all proceedings in this Expedition.

That the whole force by Land & Water, shall rendezvous at Mechias as soon as possible, & there receive the orders of said

general Officer, to which, there shall be paid the strictest obedience, by all inferior officers, & others, who may be employed in this affair.

That Six Field-Pieces, with two 12 pounders, & two Small Mortars, be Sent with the Stores, to be used for the defence of the same, when at Mechias, or for such other purposes as the Commander may order.

That the Court appoint the Warrant & Field Officers, & the Commissary, with such other Officers as they may see fit, exclusive of Captains & Subalterns, & noncommission officers: Blank Commissions for Captains & Subalterns to be delivered to the Commander, who, with the Field-Officers, shall appoint them, & deliver their Commissions, when they have raised their Companies: And the Captains & Subalterns shall appoint the noncommission officers for their respective Companies, to be approved or disapproved of by the Field Officers.

That there be delivered to said general Officer, a compleat Set of blank Commissions & Warrants for a whole Regiment, consisting of 728 men, officers included, to be formed into eight Companies, to be raised from the Inhabitants of the State of Nova-Scotia, or the Eastern parts of this State; He observing a Similar rule of conduct in all the appointments, with that held up in the last foregoing Paragraph. Said Regiment to be on the same pay & Establishment as the former, & to be continued in Service one year, unless sooner discharged.

That the Commander be vested with power to dismiss the first mention'd Regiment, if he may judge it necessary, when the second is compleated; or to employ both in any service for the united States, which he may judge prudent to put them upon, in this, or the State of Nova-Scotia.

That the Board of War make application to the Commander of the Alfred Man of war, & to the owners of such private Ships of War as are likely to be obtained, & which may be needed for this Service, & to agree as the Court may order. And, that they also be cloathed with ample power to furnish every necessary article for this expedition.

That the Com^{tee} of Mechias be repaid in kind, all the stores which they have supplied; agreeable to their Petition of the 18th ult^o

That there be One Company of the Train, consisting of fifty Men, officers included; to be raised within this State, as Soon as possible, & to be upon the Continental Pay; to go upon the Same Service, & to be under the Same Rules, Regulations & Command with the forces aforesaid. [*Passed June 7.*¹

CHAPTER 21.

RESOLVE RESPECTING THE INNOCULATING HOSPITALS IN AND ABOUT THE TOWN OF BOSTON.

WHEREAS the Practice of Innoculating for the Small pox is & has been very prevalent in the Towns neighbouring & adjacent to the Town of Boston, & should the Enemy make a sudden & powerfull Invasion into this State, as Boston & the Vicinity of it is most likely to be their Object, Therefore

Resolved That from & after the 10th day of this Instant June no Person shall presume to inoculate or be inoculated with the

Legislative
Records of the
Council,
xxxvii. (2nd
part), 24.
Mass.
Archives,
ccxiv., 117.

¹ This date is June 6 according to Legislative Records of the Council.

Small pox it is enacted in either of the Towns hereinafter mentioned under the Penalty of Fifty pounds as in an Act already made & provided, vizt in Boston, Roxbury, Dorchester, Milton, Braintree, Weymouth, Hingham, Dedham, Brookline, Chelsea, & Hull in the County of Suffolk, Cambridge, Charlestown, Watertown, Malden Medford Waltham & Newtown, in the County of Middlesex, Any License or Permit for Innoculation granted by proper Authority notwithstanding —

Resolved also that the Selectmen & Committees of Correspond^{ce} & of the several Towns beforementioned do without delay see that this Order is fully complied with & that they advertise those Persons whose proper Business it [is] with all convenient Speed to have the Innoculating Hospitals, Barracks, & all other Buildings within the said Towns cleared of all Infection, so that should there be any Necessity to call in the Militia, they may safely pass in & towards the Town of Boston, & that the several Barracks now infected may if wanted be used for the Quartering of Soldiers

And for the more full Execution of this Order it is further

Resolved that Doct^r Dunsmore Coll Sartell & Coll Lovell be a Committee to go into the several Towns aforementioned, & in Conjunction with the Selectmen & Committees in each, see that a strict Obedience be paid to the foregoing Resolves. [*Passed June 7.*]

CHAPTER 22.

RESOLVE TO SUSPEND RAISING OF TWO STATE REGIMENTS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 25.
Mass.
Archives,
ccxiv., 115.

WHEREAS Gen^l Washington has given assurances that it is His Intention that the three Supernumerary Regiments, of which Col^o Lee, Col^o Jackson, & Col^o Hendly are Commanders shall remain in this State till the Intentions of the Enemy become so conspicuous, as to admit no doubt that their Continuance here is no longer necessary and Whereas it is Apprehended that the raising the Two State Regiments of which Col^o Keyes & Colonel Robinson are Appointed Colonels will greatly Impede the progress of the Continental Regiments Above mentioned Therefore

Resolved that the Hon^{ble} Board be and hereby are desired to Issue out their Orders to Col^o Keyes and to Col^o Robinson to suspend all further Proceedings with respect to the raising the Two State Regiments to the Command of which they have been Appointed, & that no further Enlistments be made of Men, for filling up said Regiments. [*Passed June 7.*]

CHAPTER 23.

RESOLVE ON THE PETITION OF SAMUEL HARRIS AND JOHN WELCH.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 26.
Mass.
Archives,
ccxiv., 108.

ON THE PETITION of Sam^l Harris & Jn^o Welch praying that the Brigg Perkins now detained by the naval officer at the Port of Townshend upon Suspicion of having contravened the Act Saying the Embargo on all shipping in Dec^r last may be restored to them for reasons therein mention'd

Resolved that John Beath Naval officer of Townshend in the County of Lincoln be directed & he hereby is directed to deliver to the s^d Harris & Welch or their Order the s^d Brigg Perkins & Cargo, it appearing that they have not violated the Act afores^d. [*Passed June 7.*]

Mass.
Archives,
ccxiv., 109-112.

CHAPTER 24.

ORDER DIRECTING THE BOARD OF WAR TO SUPPLY COMMITTEE
WITH SLOPS AND SMALL STORES.

Ordered that the Board of War be and hereby are directed to diliver unto the Committee for supplying the Army with slops and small Stores such a quantity & number of Shoes Stockings & Shirts now in their possession as the said committee shall think proper, & the Board of War can spare And the said Committee are hereby directed immediately to send them forward to the several Commissarys of State Stores in the army by them to be sold to the soldiers raised in this State under the same restrictions and regulations with other State Stores in his possession. — And Whereas the Circumstances of the Army require, that these & such like stores as are necessary for their Support Health & Comfort be transported to them from time to time with all Expedition, therefore

Legislative
Records of the
Council,
xxxvii. (2nd
part), 13.
Mass.
Archives,
ccxiv., 119.
Mass.
Archives,
ccxiv., 94-96,
120; cclxxxiv.,
41.

Resolved that the transportation of such articles be & hereby is excepted out of the Law to prevent Monopoly & Oppression or the addition thereto. [*Passed June 9.*¹]

CHAPTER 25.

RESOLVE ON THE PETITION OF JOHN BLACK.

ON THE PETITION of John Black of Barre in the County of Worcester, Setting forth

That by an Order of the last Great and General Court [he] was Committed a close Prisoner to the Common Goal in Worcester, until further Order of said Court,

Therefore Prays, that this Honble Court would so far take his Circumstances into Consideration as to give him leave to return Home under such Bonds &c as your Honors in your great Wisdom shall Judge proper —

Resolved that the prayer of the Petition be granted provided the said John Black do give Bond to the Treasurer of this State in the Sum of One Thousand pounds himself Principal with Two Sureties in the Sum of Five hundred pounds each, before two Justices of the Peace of Worcester quorum unus on Condition that he goes not off his Farm, Sabbath days excepted and then only to attend public Worship and on Condition of his keeping the Peace and being of good behaviour during the present War with Great Britain and particularly that he shall speak or do nothing to the prejudice of the United American States and the Contest they are now engaged in, & also pay the Cost and charges of this Prosecution to be fixd by the Justices aforesaid. [*Passed June 9.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 27.
Mass.
Archives,
cxxxix., 502.

CHAPTER 26.

RESOLVE ON THE PETITION OF JOHN CALDWELL.

ON THE PETITION of John Caldwell a Prisoner in Worcester Goal praying that he may be liberated therefrom for reasons mentioned in s^d Petition

Legislative
Records of the
Council,
xxxvii (2nd
part), 28.
Mass.
Archives,
ccxiv., 121.

¹ This date is June 4 according to Legislative Records of the Council.

Mass.
Archives,
cxxxix., 503.

Resolved that the Prayer of the said Petition be granted Provided the said John Caldwell do give Bond to the Treasurer of this State in the sum of One thousand pounds himself principal, with two Sureties in the sum of five hundred pounds each, before two Justices of the Peace of the County of Worcester Quorum unus on Condition that he goes not off his Farm, Sabbath days excepted & then only to attend public Worship, and on Condition of his keeping the Peace & being of good Behaviour during the present war with Great Britain, and particularly that he shall speak or do nothing to the prejudice of the United American States & the Contest they are now engaged in, & also pay the costs & charges of this Prosecution to be taxed by the Justices aforesaid. [*Passed June 9.*]

CHAPTER 27.

RESOLVE DIRECTING CAPT. WILLIAM CAMPBELL TO DELIVER STORES TO COMMISSARY SHEPHARD.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 29.
Mass.
Archives,
ccxiv., 127.

Resolved that Capt William Campbell late Commissary for this State in the Southern Department be & he hereby is directed to deliver to Maj Levi Shephard who is now appointed to succeed him in that Office all the Stores belonging to this State he has in his Possession, taking his Receipt therefor. [*Passed June 9.*]

CHAPTER 28.

RESOLVE GRANTING £800 TO CALEB DAVIS, ESQ^R.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 31.
Mass.
Archives,
ccxiv., 124.

Resolved that there be paid out of The publick Treasu^r of this State to Caleb Davis Esq^r The Sum of Eight hundred pounds to Enable him to Compleat the Building of a Vessel, agreeable to an order of the General Court Pasd Dec^r 11th, 1776, he to be Accountable to this Court for the Expenditure of the Same. [*Passed June 9.*]

CHAPTER 29.

RESOLVE ON THE PETITION OF ED^D DAVIS & ABIGAIL HIS WIFE.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 31.
Mass.
Archives,
ccxiv., 125.

UPON THE PETITION of Edward Davis of Dudley & Abigail Davis his Wife, praying for the Confirmation of Sundry Quit claim deeds made by her as Administratrix to her Dec^d Husband Capt William Watson late of Oxford in the County of Worcester, & that they may be enabled to convey two other lots Under the like circumstances,

Mass.
Archives,
ccxiv., 126, 128,
128½.

Resolved that the three Quit Claim deeds given by the Said Abigail Davis (formerly Abigail Watson) to Alexander Campbell, Thomas Town & Collins Moore of Certain lands, which her intestate Husband in his life time obliged himself to do, be ratified & confirmed as fully as tho' her Said intestate Husband had given them in his life time. And that the Aforesaid Edward Davis & Abigail Davis in their Said Capacity be & they hereby Are empowered to make & Execute good & lawful Deeds to John Campbell & Ebenezer Fisk, of two other lots of land Agreeable to the Tenor of the obligation of the Aforesaid Cap^t William Watson to them, which deeds shall be valid in Law to all intents & purposes. [*Passed June 10.*]

CHAPTER 30.

RESOLVE ON THE PETITION OF JONATHAN WHIPPLE.

ON THE PETITION of Jonathan Whipple of Westborough in the County of Worcester, Administrator on the Estate of his late Deceased Father Edwards Whipple, Praying that he may be enabled to convey to Solomon Parker of Holliston in the County of Middlesex the whole of the real Estate that did belong to his Said Deceased Father, Agreeable to the contract made in his lifetime with the Said Solomon Parker.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 33.
Mass.
Archives,
ccxiv., 129.

Resolved that the Above nam[ed]¹ Jonatha[n]¹ [Whip]¹ple be & he is her[eby impowered]¹ to give a good deed, legally executed, of the Real Estate of his Said Deceased Father Edwards Whipple, to Solomon Parker Aforesaid, Agreeable to the contract made between said Whipple & Parker, in the life time of the said Whipple, the Substance of which contract was that s^d Parker was to give said Whipple three Hundred pounds for his Grist mill & Sawmill, & four pounds lawful money p^r Acre for his land; the other buildings to be flung in with the land, and that the above said Jonathan Whipple give Sufficient caution to the Judge of Probate for the County of Worcester, that the lawful interest of one third part of the mony arising from the aforesaid Sale shall be Annually paid to Sarah Whipple widow of the Dec^d during her natural life, & the other two thirds (after the debts are paid) be divided between the legal heirs of the dec^d, & that at the reversion of the Dower the same shall be likewise divided, which if performed his said deed shall be good & valid to all intents & purposes, any law to the contrary notwithstanding. [*Passed June 10.*]

Mass.
Archives,
ccxiv., 130, 131.

CHAPTER 31.

RESOLVE TO SUPPLY MEN DRAFTED TO SERVE IN THE CONTINENTAL ARMY, AGREEABLE TO A RESOLVE OF APRIL 20, 1777, WITH ARMS AND BLANKETS.

WHEREAS a Number of Men were drafted from the several Companies of Militia in this State or procured in Consequence of said draft to serve as Soldiers in the Continental Army untill the tenth Day of January next, agreeable to a Resolve of the General Court of the 20th of April last, and no provision is made in s^d Resolve for supplying said Soldiers so drafted or procured with Arms and Blanketts Therefore

Legislative
Records of the
Council,
xxxvii. (2nd
part), 34.
Mass.
Archives,
ccxiv., 133.

Resolved that the Commisary General be and hereby is directed to deliver each of the said Soldiers so drafted or procured to serve for the said Term One Fire Arm and Accoutrements, he producing to the Commisary General a Certificate from his Captain or Commanding Officer of his being a Soldier so drafted or procured to serve for said Term & paying to the Commisary General for the said Fire Arm and accoutrements Four pounds ten shillings.

Mass.
Archives,
ccxxxiv., 42.

And it is further

Resolved, that the Board of Warr be and hereby are directed to deliver to the Captain or Commanding Officer of the several Companies in which said Soldiers so drafted or procured for said Term are arranged or inlisted, One Blanket for each of said Soldiers, taking said Captain or Commanding Officer's Rec^d for the same, unless any of said Soldiers shall choose to find their own Blankets

¹ Inserted from Legislative Records of the Council.

in which Case every Soldier so finding his own Blanket shall be allow'd therefor the Sum of Twenty four shillings which said sum the Board of War be and hereby are directed to pay him on his producing a Certificate from his Captain or Comanding Officer of his being furnished with a Blanket at his own Expence.

And it is further

Resolved that the said Commisary General be accountable to the General Court for the several sums of money he may receive for the Arms and accoutrements aforesaid. [*Passed June 10.*]

CHAPTER 32.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 35.
Mass.
Archives,
ccxiv., 134.

RESOLVE ADDING CALEB DAVIS & JOHN BLISS, ESQ^{RS}, TO THE COMMITTEE FOR COMMISSIONATING RECRUITING OFFICERS.

Resolved That Caleb Davis Esq. and John Bliss Esq^r be added to the Committee for commissionating the Officers now recruiting men for the fifteen Battalions of Continental Troops raising in this State. [*Passed June 10.*]

CHAPTER 33.

RESOLVE ON THE PETITION OF RICHARD DERBY, J^E, & JONATHAN GARDNER, J^E, ESQ^{RS}.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 35.
Mass.
Archives,
clxxxiii., 5a.

THE COMMITTEE appointed to Consider the Petition of Richard Darby & Jonathⁿ Gardner Esq^{rs} Beg leave to Report by way of a Resolve —

Resolved that the Board of War give orders to deliver to said Darby & Gardner Four hundred Bush^{ls} Corn they paying for the Same.

Mass.
Archives,
clxxxiii., 4;
celxxxiv., 43.

In the House of Representatives

Read and accepted.

In Council, Read and Concurred. [*Passed June 10.*]

CHAPTER 34.

APPOINTMENT OF MOSES LITTLE, ESQ^R, AS A BRIGADIER GENERAL IN THE EXPEDITION TO ST. JOHNS RIVER, NOVA SCOTIA.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 36.
Mass.
Archives,
cexiv., 132.

In the House of Representatives

The House made choice by ballot of Moses Little Esq^r as a Brigadier General to command and direct in the Expedition to the River St Johns in Nova Scotia.

In Council

Read & Concurred. [*Passed June 10.*]

CHAPTER 35.

RESOLVE ON THE PETITION OF ANDREW BAKER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 36.
Mass.
Archives,
cexiv., 135.

ON THE PETITION of Andrew Baker setting forth that he was wounded on board the Brig Independence in an Engagement the 25th November last, therefore praying relief from the Court.

Resolved That [there be allow'd]¹ and paid to the Petitioner out of the Public Treasury of this State the Sum of forty shillings per month during the Term of one Year from the 19th Day of April 1777 — And also Ration money as is allowed to the Continental Soldiers, during the Term of six months from the 19th of April aforesaid. [*Passed June 11.*]

Mass.
Archives,
ccxiv., 136.

CHAPTER 36.

APPOINTMENT OF CAPT. JOHN POPKIN AS MAJOR IN COL^O. GREATON'S REGIMENT.

In the House of Representatives

The House appointed Cap^t John Popkin as a Major of the Regiment, under the command of Coll. Greaton, in the room of Major Williams decess'd.

In Council

Read & Concurred. [*Passed June 11.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 40.
Mass.
Archives,
ccxiv., 139.

CHAPTER 37.

APPOINTMENT OF MAJOR EZRA NEWHALL AS LIEUT. COLONEL IN COL^O PUTNAM'S REGIMENT.

In the House of Representatives

The House appointed Major Ezra Newhall as Lieut. Colonel of Coll Putnams Regiment, in the room of Lieut. Colonel Farrington, who has lately been removed from his Office.

In Council

Read & Concurred. [*Passed June 11.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 40.
Mass.
Archives,
ccxiv., 140.

CHAPTER 38.

APPOINTMENT OF CAPT. JOHN PORTER AS MAJOR IN COL^O WIGGLESWORTH'S REGIMENT.

In the House of Representatives

The House appointed Cap^t John Porter as a Major of the Regiment under the command of Coll Wigglesworth, in the room of Major Cranson, decess'd.

In Council

Read & Concurred. [*Passed June 11.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 41.
Mass.
Archives,
ccxiv., 141.

CHAPTER 39.

RESOLVE IMPOWERING BRIG. GEN. LITTLE AND THE FIELD OFFICERS TO APPOINT WARRANT OFFICERS OF THE REGIMENT TO BE RAISED.

Resolved, That Brigadier Generall Little & the Field Officers of the Regiment to be raised for an Expedition to S^t Johns River &c be empower'd to appoint the warrant officers for said Regiment, any Act or Resolve of this State notwithstanding. [*Passed June 11.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 41.
Mass.
Archives,
ccxiv., 142.

¹ Inserted from Legislative Records of the Council.

CHAPTER 40.

APPOINTMENT OF DAN^L CLAP AS COMMISSARY OF THE REGIMENT
TO BE RAISED IN CUMBERLAND AND LINCOLN COUNTIES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 41.
Mass.
Archives,
ccxiv., 137.

In the House of Representatives

The House made choice of Major Daniel Clap as a Commissary for the Regiment to be raised in the Counties of Cumberland and Lincoln, for the Expedition to the River S^t Johns in Nova Scotia.

In Council

Read & Concurred. [*Passed June 11.*]

CHAPTER 41.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 42.
Mass.
Archives,
ccxiv., 138.

RESOLVE DIRECTING RICH^D DEVENS, ESQ^R, TO DELIVER INTO THE
SECRETARY'S OFFICE RECORDS AND PAPERS OF THE COMMITTEE
OF SAFETY.

Resolved That Richard Deavons Esq^r, be and he hereby is, directed to deliver into the Secretaries office, all the records, and papers, of the Committee of Safety, that he now has in his hands, or under his Care. [*Passed June 11.*]

CHAPTER 42.

RESOLVE ON THE PETITION OF WILLIAM GORDON.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 38.
Mass.
Archives,
clxxxii., 294.
Mass.
Archives,
clxxxii., 293.
Legislative
Records of the
Council,
xxxii., 190, 191,
279.

Resolved That William Gordon Clerk be permitted to file a Clame at the Next Superior Court to be held in the County of Essex for & in behalf of Joseph Parker O[w]ner of a Vessel mentioned in s^d Gordon's Petition, & that he may then & there be heard by Council as though he had filed his clame in Usual Manner and form, Provided said Gordon serve Doct^r Calef or his attorney with an attested Copy of this Resolve two Days before the setting of said Court & should the said Vessel be decreed to be the Property of any Inhabitant of Great Britain —

Resolved the said Court be directed to order s^d Vessel so decreed into the hands of the Agents for the middle District of this State there to continue 'till the further order of this Court. [*Passed June 12.*¹]

CHAPTER 43.

RESOLVE GRANTING £7. 12/ TO EBENEZER COBB AND BARNABAS
HOLMES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 45.

Resolved That there be paid out of the Treasury of this State Seven p^{ds} twelve Shillings to Ebenezer Cobb and Barnabus Holmes in full for their Guns and accoutrements they lost in passing from the Gurnet to Plymouth. [*Passed June 12.*]

¹ This date is June 11 according to Legislative Records of the Council.

CHAPTER 44.

APPOINTMENT OF JON^A ALLEN AS MAJOR IN COL^O PUTNAM'S REGIMENT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 46.
Mass.
Archives,
ccxiv., 145.

In the House of Representatives

The House made choice, by ballot, of Cap^t Jonathan Allen, as a Major of Coll Putnam's Regiment, in the room of Ezra Newhall who is promoted.

In Council Read & Concurred. [*Passed June 12.*]

CHAPTER 45.

RESOLVE ON THE PETITION OF SAMUEL TUFTS PERMITTING DAN^L CORNEY TO CARRY PROVISIONS AMOUNTING IN VALUE TO THE SUM EXPENDED IN BRINGING CERTAIN PASSENGERS FROM HALIFAX.

Resolved That Daniel Corney who lately arrived at Newbury Port from Hallifax, and brought with him Passengers, Captains Jonathan Payson, Habakkuk Bowditch, Andrew Millet and Charles Callahan, be permitted to carry with him from said Newbury Port, so much Provisions (and no more) as will amount in value to the Sums agreed by the said Passengers to be paid him for their Passages — And that the Committee of Correspondence & of [Ne]wbury Port see this Resolve duly executed. [*Passed June 12.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 46.
Mass.
Archives,
ccxiv., 151.
Mass.
Archives,
ccxiv., 152.

CHAPTER 46.

RESOLVE ON THE PETITION OF SAM^L LUMBER AND NATH^L STEVENS.

Resolved that the Pititioners be paid out of the Treasury of this State the following sums Viz. to said Samuel Lumber five pounds ten Shillings & to Nath^l Stephens Three pounds fourteen Shillings and ten pence, in full for Wages due to them as Seamen on board the Schooner Lion in the Service of this State from the Time they entered on board s^d Schooner untill they were taken by the Enemy at Eleven Dollers p^r month. [*Passed June 12.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 47.
Mass.
Archives,
ccxiv., 146.
Mass.
Archives,
ccxiv., 147-150.

CHAPTER 47.

APPOINTMENT OF FIELD OFFICERS OF THE REGIMENT TO BE RAISED FOR THE EXPEDITION TO THE RIVER ST. JOHNS.

In the House of Representatives

The House made choice by ballot of the following Gentlemen, as Field Officers of the Regiment to be raised in the Counties of Cumberland and Lincoln for the Expedition to the River S^t Johns in Nova Scotia — viz

Sam ^l McCobb	.	.	.	.	.	.	.	Colonel
Dudley Coleman	.	.	.	.	.	.	.	Lieut Colonel
James Minot	.	.	.	.	.	.	.	Major

Legislative
Records of the
Council,
xxxvii. (2nd
part), 41.
Mass.
Archives,
ccxiv., 143.

In Council

Read & Concurred. [*Passed June 13.*¹]

¹ This date is June 11 according to Legislative Records of the Council.

CHAPTER 48.

RESOLVE ON THE PETITION OF JONATHAN HALE AND DAVID BURT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 49.
Mass.
Archives,
ccxiv., 153.

Mass.
Archives,
ccxiv., 154.

On the Petition of Jonathan Hale and David Burt Relating to their Powder Mill in Springfield, that was by some accident Blown up as sett forth in said Petition —

Resolved that whereas the Article of Gun Powder in the Present War and for furnishing the Militia in this State according to the Militia Act with Powder, is very Necessary, therefore for the encouragement of rebuilding said Mill that there be paid out of the Publick Treasury of this State to the Petitioners the sum of Sixty Pounds, the better to inable them to rebuild said Mill, Provided they do it to Effect to make Powder as usuall before the same was Blown up att or before the twelfth Day of December next. [*Passed June 13.*]

CHAPTER 49.

RESOLVE ON THE PETITION OF COL. ABRAHAM P. LOTT EMPOWERING THE BOARD OF WAR TO SUPPLY THE STATE OF NEW YORK WITH FIFTEEN HUNDRED BUSHELS OF SALT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 50.
Mass.
Archives,
ccxiv., 155.

Mass.
Archives,
ccxiv., 156, 162;
ccclxxxiv., 44.

Resolved that the Board of War be and they hereby are directed to purchase of the Captors who may have been employed in any Vessels of War belonging to this State or of their agents all the Salt on Board any Prizes belonging to this State, except what the said Captors may Want for their own Use, and the said Board of War are hereby directed to sell fifteen hundred Bushels of said Salt to Col' Abra^m P Lott, for the Use of the State of New York he the said Abra^m paying therefor either in Money or Flour according to the Discretion of the said Board. [*Passed June 13.*]

CHAPTER 50.

RESOLVE FOR DELIVERING A QUANTITY OF SALT TO THE SELECTMEN OF THE INTERIOR TOWNS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 51.
Mass.
Archives,
ccxiv., 159.

Mass.
Archives,
ccxiv., 160, 161.

WHEREAS there is great Need of Salt in some of the interior Towns of this State and there being a considerable Quantity thereof belonging to this State viz about 2,000 Bushels at Newbury Port and Bradford and about 7,500 Bushels in Boston — Therefor

Resolved that the Select Men of the several Towns hereafter mentioned may have delivered to them or their Order the several Quantities of Salt annexed to the Names of their respective Towns, they paying therefor at the Rate of ten Shillings a Bushel provided they send for the same on or before the 13th Day of august next, the Selectmen of the said Towns being desired to distribute the same in small Quantities according to the Necessity of their Inhabitants, and the Agents and Committe of Sequestration of this State are hereby directed to deliver to the Select Men of the several Towns hereafter mentioned, or to their Order the several Quantities thereof to the Names of their respective Towns affixed, they paying therefor at the Price of Ten Shillings a Bushel, provided they apply for the same on or before the Time aforementioned, the said Agents and Committe to be accountable to this Court for any Money they may receive therefor, and the Agents and Committe aforesaid are hereby directed to sell all the public

Salt that may remain in their Hands after the Time aforesaid in small Quantities to the Inhabitants of this State, excepting what the Board of War and Commissary general for this State may think necessary to be reserved for public Use, and the Towns hereafter mentioned in the County of Worcester are directed to receive their part of said Salt at Newbury Port or Bradford viz. Fitts-burgh, Harvard, Ashburnham, Leominster, Lunenburg and Winchendon and the Towns mentioned in the Counties of Middlesex & Essex — also

Resolved that the abovesaid Resolve and the annexed List be published in the Boston News Papers for the Information of the Towns mentioned therein.

COUNTY OF SUFFOLK.

	Bushels.		Bushels.
Wrentham	100	Medway	54
Needham	54	Bellingham	37
Medfield	44		
Stoughtonham	75		421
Walpole	57		

COUNTY OF MIDDLESEX.

	Bushels.		Bushels.
Chelmsford	80	Ashby	25
Wilmington	44	Pepperell	62
Billerica	80	Shirley	42
Acton	45	Westford	71
Bedford	24	Dunstable	39
Tewksbury	49	Hopkinton	68
Littleton	62	Framingham	94
Groton	98	Sherburne	42
Dracut	70	Holliston	54
Stow	54	Sudbury	80
Marlborough	80		
Concord	75		1,385
Townsend	47		

COUNTY OF HAMPSHIRE.

	Bushels.		Bushels.
Springfield	118	Worthington	38
West Springfield	104	Palmer	44
Granville	67	Monson	48
Wilbraham	63	Merryfield	15
Hadley	40	Ashfield	38
Amherst	54	Whately	24
Sunderland	24	Bernardston	36
Leverett	18	Northampton	107
Conway	54	Southwick	30
Northfield	34	Ludlow	24
Murrayfield	24	Westfield	89
Williamsburg	32	Greenwich	53
South Brimfield	51	Blandford	46
Montague	34	N ^o 7 and 8, Hatfield Equivalent	12
Brimfield	62	Norwich	12
Greenfield	44	Granby	29
Pelham	44	Athol	52
Belchertown	58	Shutesbury	36
Hatfield	34	Shelburne	34
Southampton	44	New Salem	54
South Hadley	35	Colrain	33
Chesterfield	65	Ware	30
Deerfield	50		
Warwick	46		2,083

COUNTY OF ESSEX.

	Bushels.		Bushels.
Andover	100	Methuen	79
Boxford	59		
Middleton	39		277

COUNTY OF BRISTOL.

	Bushels.		Bushels.
Taunton	150	Raynham	56
Norton	79	Mansfield	56
Dighton	85		
Rehoboth	200		726
Attleborough	100		

COUNTY OF PLYMOUTH.

	Bushels.		Bushels.
Abington	70	Middleborough	247
Bridgewater	261		578

COUNTY OF WORCESTER.

	Bushels.		Bushels.
Worcester	115	Hardwick	83
Brookfield	159	Royalston	36
Templeton	60	Grafton	51
Lancaster	164	Mendon	139
Holden	45	Sturbridge	82
Douglas	48	Ashburnham	33
Sutton	158	Upton	42
Princeton	42	Barre	80
Leicester	60	Hubbardston	29
Dudley	52	Bolton	72
Western	50	Oxford	66
Westborough	54	Northbridge	28
Uxbridge	66	Leominster	58
Spencer	62	Southborough	45
Petersham	74	New Braintree	48
Westminster	68	Lunenburg	75
Charlton	78	Winchendon	31
Oakham	36	Northborough	33
Rutland	60	Paxton	30
Shrewsbury	86		2,714
Fitchburg	38		
Harvard	78		

COUNTY OF BERKSHIRE.

	Bushels.		Bushels.
Sheffield	103	Alford	18
Great Barrington	57	Tyringham	48
Stockbridge	54	Williamstown	65
Richmond	55	Partridgefield	20
Loudon	12	Gageborough	27
East Hoosuck	56	New Providence	20
Lanesborough	86	Taconnick Mountain	15
Hartwood	34	West Stockbridge	22
New Marlborough	65	Lenox	56
Sandisfield	62	Hancock	58
Egremont	40	Becket	24
N ^o 5 Plantation	26		1,104
New Ashford	13		
Pittsfield	68		

[*Passed June 13.*]

CHAPTER 51.

RESOLVE DIRECTING ALL PERSONS WHO HAD RECEIVED BEATING ORDERS TO MAKE RETURNS OF THE MEN THAT HAD ENLISTED INTO THE CONTINENTAL ARMY.

Resolved

That All persons who have received beating Orders in this State for the Inlisting men into the Continental Army and are not Commissioned, make return of the men they have thus Inlisted on or before the thirtieth day of this Instant June unto the Committee (appointed to Commission the officers of the Fifteen Battallions in the Continental Army raised in this State) at the Court House in Boston, Otherwise they will be debarred receiving the Commissions they would by Virtue of Such Orders be Intitled to, any Resolve of this Court to the Contrary Notwithstanding. [*Passed June 13.*]

CHAPTER 52.

RESOLVE FOR RAISING MEN OUT OF THE MILITIA REGIMENTS OF SUFFOLK, WORCESTER AND MIDDLESEX COUNTIES TO SERVE AS GUARDS.

THE COMMITTEE of both Houses appointed to take under Consideration a Letter from Gen^l Heath of the 31st May, and to report what is best to be done thereon beg leave to Report by way of Resolve:

Resolved that the Stores belonging to the united States which are deposited in Severall Towns in this State, be & they are hereby ordered to be Immediately guarded & secured against the Machinations of our Secrett as well as open Enemys, And whereas Gen^l Heath by his Letter afores^d has Signified to this Court the Necessity thereof, and that any draft ordered for that purpose from the Regim^{ts} of Militia will be subsisted & paid by the United States —

It is further

Resolved That there be raised out of the Militia of the Severall Regiments in the Countys of Suffolk Worcester & Middlesex so many Men as are Sufficient for that purpose Viz^t — and it is further

Resolved that One Captain & two Subalterns be appointed & Commissioned to Command the aforesaid Guards for which they shall be allowed the pay & Subsistence of the Continental army, and the said captain & Subalterns shall Constantly Visitt the Severall Guards & observe & Enquire, whether they are Vigilant, & whether any abuses have been Committed & report weekly to Maj^r General Heath or to the Commanding Officer; the said Guards to do duty during the Term of Six Months from the time of their Inlistment unless sooner Discharged.

And it is further

Resolved that one Captain & two Lieuten^{ts} with Fifty men be appointed for Each of the aforesaid Stores or Magizenes, who shall upon any Alarm Insurrection or Invasion be always ready Equipt with a good Firelock Bayonet Pouch & Twenty four Rounds of Powder & Ball, to march Immediately to the aforesaid Towns as the Post assigned to them upon an Alarm Invasion or Insurrection for the security & defence of the said Stores or Magizenes — And the Severall Brigadiers in the aforesaid Countys of Suffolk Worcester and Middlesex are ordered & directed to Issue their orders to the proper officers in their severall Brigades to raise the Men for the Guards in the Towns aforesaid; And also to appoint Fifty Men in the Towns Contiguous to the Severall Magazines, who shall upon an Alarm Immediately March to the places Assigned them, and there Continue untill discharged by their Commanding Officers.

And it is further

Resolved that a Committee be appointed to hire a Sufficient Number of Teams from any of the Interior parts of this State, in order that the Stores belonging to the United States may be Transported as Gen^l Heath shall order & direct; And that the said Committee be & they are hereby Impowered & directed to Obtain such Teams upon the best terms they can, & take effectuall care that the Stores aforesaid are Lodged in some Secure place agreeable to the orders they may receive from Gen^l Heath.

In the House of Representatives

Read and accepted.

In Council

Read and concurred. [Passed June 14.¹

¹ This date is June 11 according to Legislative Records of the Council.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 43.
Mass.
Archives,
ccxiv., 167.
Mass.
Archives,
cxvii., 108;
ccxiv., 164-168.

CHAPTER 53.

RESOLVE DIRECTING THE SHERIFFS OF THE SEVERAL COUNTIES
TO MAKE RETURN OF THEIR PRISONERS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 54.
Mass.
Archives,
ccxiv., 171.

Mass.
Archives,
ccxiv., 169, 170.

Resolved That the Sheriffs of the several Counties within this State, be directed to make return to the Hon. Council as soon as may be, of all the Prisoners within their respective Counties, with the particular places where confined, their Names, Rank, and to what Corps they belong; And that said Sheriffs call upon the Committees and others in the several Towns, forthwith to exhibit their Accounts of Expences, in favour of said Prisoners yet due; And that Jonas Dix and Thomas Crane Esq^r be & hereby are appointed a Committee to examine all such Accounts of Expences and Disbursements already paid by this State in favour of said Prisoners, & prepare an Account of the same, to be immediately transmitted to the Commissary General of Prisoners at Head Quarters, with the several proper authenticated Vouchers of the same. [*Passed June 14.*]

CHAPTER 54.

RESOLVE RELATIVE TO EXECUTIONS ON JUDGMENTS OBTAINED
BEFORE APRIL 19, 1775.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 48.
Mass.
Archives,
ccxiv., 177.

WHEREAS during the late suspension of the courts of Justice in this State many Persons, who had regularly obtained Judgments therein, have not had the same satisfied, and much expence and delay will arise unless some special provision is made in that behalf —

It is therefore

Resolved that any creditor that on the 19th day of april 1775 or in Six months after that Time was by Law entitled to sue out a Writ of Execution, an alias or plures, on any Judgment given in the Superiour Court of Judicature court of assize and General Goal delivery, or in any Inferiour Court of common Pleas in this State, before the said 19th day of april 1775, and the same Judgment yet remains in force and unsatisfyed, may sue out Execution on the same Judgment for the Sum yet remaining due & unpaid, at any Time before the 1st day of January next any Law usage or custom to the Contrary notwithstanding. Provided always that any creditor his or her agent or attorney, before suing out Execution as aforesaid (in case the Sum for which Execution Issues is under Fifteen Pounds) shall make Oath before the clerk of the Court where Judgment was rendred or before some Justice of the Peace, & file a certificate thereof with such clerk, that the Person or Persons against whom Execution is requested, is not to his or her Knowledge retained as a Soldier or Seaman in the Service of the united States or any of them. [*Passed June 16.*¹]

¹ This date is June 13 according to Legislative Records of the Council.

CHAPTER 55.

RESOLVE FOR PRINTING COPIES OF THE RESOLVES DAILY AS THEY ARE PASSED.

WHEREAS it is expedient that each member of this Court as well as each town in this State be furnished With a Copy of the Resolves of s^d Court as soon as possible after they have passed the same, therefore

Resolved That the Secretary be and he is hereby directed to make out a Copy of each Resolve as soon as it has passed the General assembly, and deliver the same immediately to the printer who shall be employed to print one Copy for each member of both Houses, two for the Secretary & Clerk of the House & one for each town in this State, and that M^r Partridge M^r Freeman the Clerk & M^r Pickering be a Comm^{ee} to agree with some printer to print s^d Resolves daily as they shall be delivered to him by the Secretary, and the Clerk of the House is directed to omit inserting s^d Resolves at large in the Journals of the House which are hereby ordered to be printed & s^d Comm^{ee} are hereby directed to contract with some printer to print s^d Journals, correct the press and see that the s^d Resolves & Journals be printed without delay. [*Passed June 16.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 55.
Mass.
Archives,
ccxiv., 173.
Mass.
Archives,
ccxiv., 116.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 26.

CHAPTER 56.

APPOINTMENT OF FIELD OFFICERS OF THE SIXTH REGIMENT IN WORCESTER COUNTY.

In the House of Representatives
The House made choice by ballot of the following Gentlemen as Feild Officers for the sixth Regiment of Militia in the County of Worcester viz

Job Cushing	Colonel
Moses Wheelock	Lieut Colonel
Ezra Bemon	first Major
Jonathan Champney	second Major

Legislative
Records of the
Council,
xxxvii. (2nd
part), 56.
Mass.
Archives,
ccxiv., 174.

In Council
Read & Concurred. [*Passed June 16.*]

CHAPTER 57.

RESOLVE ON THE PETITION OF NATHANIEL JENISON.

ON THE PETITION of Nathaniel Jenison of Barre in the County of Worcester

Resolved that the said Nathaniel Jenison be and hereby is permitted to carry Three Hogsheads of Rum & two Hogsheads of Sugar from this State to the State of Connecticut to exchange for flax. [*Passed June 16.*]

Mass.
Archives,
ccxiv., 175.
Mass.
Archives,
ccxiv., 176.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 57.
Mass.
Archives,
clxxxiii., 17.

Mass.
Archives,
clxxxiii., 16.

CHAPTER 58.

RESOLVE ON THE PETITION OF BENJAMIN CHUBB.

Resolved, That there be paid out of the Treasury of this State the Sum of Fifteen pounds to Benjamin Chubb, a Pensioner on this State, being the Amount of his Pension from the Year 1774 to the present time, the Payment of which having been suspended during that term as is set forth in the Petition of said Chubb. [*Passed June 17.*]

CHAPTER 59.

RESOLVE ON THE PETITION OF THE SELECTMEN OF CHELSEA.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 59.
Mass.
Archives,
ccxiv., 185.

Mass.
Archives,
ccxiv., 186.

ON THE PETITION of the Selectmen of y^e Town of Chelsea praying that they may be supplied with a quantity of Flints & Bullets for the use of y^e militia of said Town —

Resolved that the Prayer of the Petition be granted, & that the Selectmen of the s^d Town of Chelsea be supplied from the Commissary Generals Store with Five hundred Flints and One hundred weight of Bullets for the use of said Town, they paying for the same. [*Passed June 17.*]

CHAPTER 60.

RESOLVE ON THE PETITION OF MARTIN BRIMMER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 60.
Mass.
Archives,
ccxiv., 189.

Mass.
Archives,
ccxiv., 190.

THE COMMITTEE of both Houses to whom was referred the Petition of Martin Brimmer have considered the Same & beg leave to report the following Resolve

Which is Submitted —

Resolved that the Committee of Sequestration of the Town of Boston be, & are hereby directed to deliver to Martin Brimmer, who has been duly appointed by the Judge of Probate for the County of Suffolk, Agent on the Estate of Thomas Apthorp, all the Goods & Effects of the S^d Thomas which are now in their hands or under their care, any Resolve of the General Assembly to the contrary notwithstanding.

In Council

Read & Accepted

In the House of Representatives

Read & concurred. [*Passed June 17.*]

CHAPTER 61.

RESOLVE ON THE PETITION OF BENJAMIN GARFIELD AND MALACHI MARBLE.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 62.
Mass.
Archives,
ccxiv., 187.

Mass.
Archives,
ccxiv., 188.

ON THE PETITION of Benjamin Garfield and Malachi Marble representing that they have been obliged to give a greater price for Beef to supply the Hon. Board of War than was agreed upon in their Contract, and praying for relief.

Resolved that the Board of War be and hereby are impowered to make the said Benjamin Garfield and Malachi Marble such allowance as to them shall appear just and reasonable. [*Passed June 17.*]

CHAPTER 62.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO SELL CERTAIN SMALL ARMS.

Resolved that the Commasary General, be & he hereby is directed to make sail of all the small Arms Belonging to this state, under his immedate care, that are not fit for present use, for the most they will fetch according to their Different Quallity, to the Inhabitants of the several Towns in this State, they Paying the cash for the same, the commissary to be accountable to this Court for the money he shall so receive. [*Passed June 17.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 63.
Mass.
Archives,
ccxiv., 192.

CHAPTER 63.

RESOLVE ON THE PETITION OF BENJAMIN DAY AND OTHERS TO FORM TWO COMPANIES IN THE FIRST PARISH IN WEST SPRINGFIELD.

Resolved That the first Parish in West Springfield be formed into two Companies (except so many in the northerly Company as shall by the last Day of July next enter their Names with the Clerk of the Company at Ireland so called), and those whose Names shall be voluntarily entered with the Clerk of the Company at Ireland as aforesaid shall be considered as belonging to the Company last mentioned, and do Duty accordingly, and it is

Ordered that the said northerly Company shall take Rank as the Field Officers of the Regiment to which it belongs shall direct. [*Passed June 18.*]¹

Legislative
Records of the
Council,
xxxvii. (2nd
part), 57.
Mass.
Archives,
ccxiv., 179.
Mass.
Archives,
ccxiv., 180-
182a.

CHAPTER 64.

ORDER APPOINTING JAMES MINOT AS LIEUT. COLONEL AND GEORGE STILLMAN AS MAJOR OF THE REGIMENT TO BE RAISED FOR THE EXPEDITION TO ST. JOHNS RIVER.

THE COM^{TEE} of both Houses appointed to consider what is further necessary to be done in order to carry into execution the Expedition to S^t Johns River in Nova-Scotia, Report as their opinion,

That a Lieu^t Col^o being appointed belonging to the County of Essex, where no men are to be raised, is a mistaken measure, & that the Field officers ought to be appointed from those parts from which it is expected the Men will be raised; Therefore it is humbly proposed, That the appointment of Dudley Coleman for a Lieu^t Colonel be re-considered, & that James Minot be appointed in his room; & that George Stillman of Machias be appointed Major. All which is humbly submitted; & the Com^{tee} ask leave to sit again

Mass.
Archives,
ccxiv., 199.
Mass.
Archives,
ccxiv., 183, 184.

In Council

J. PALMER p^ord^r

Read & Accepted & thereupon

Ordered that the Appointment of Dudley Coleman as Lieu^t Col^o be reconsidered and that James Minot be & hereby is appointed Lieu^t Col^o in his Room, and that George Stillman of Machias be & hereby is appointed Major for the Reg^t to be raised to carry into Execution the Expedition to S^t Johns River in Nova Scotia.

In the House of Representatives

Read & concurred. [*Passed June 18.*]

¹ This date is June 17 according to Legislative Records of the Council.

CHAPTER 65.

RESOLVE RELATIVE TO ENLISTING MEN FOR THE REGIMENT TO BE RAISED FOR THE EXPEDITION TO S^T JOHNS RIVER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 64.
Mass.
Archives,
ccxiv., 204.

THE COM^{TEE} of both Houses appointed to consider what further measures are to be taken in order to carry into effect the Expedition to S^t Johns River in Nova-Scotia, ask leave to report the following Resolves, & ask leave to sit again.

J: PALMER p^r ord^r

Whereas doubts have arisen whether the Counties of Lincoln & Cumberland in this State, can conveniently spare a sufficient number of their Inhabitants to furnish immediately a full Regiment for an Expedition to S^t Johns River in Nova-Scotia; & also, whether continental pay alone will be sufficient encouragement for expeditiously raising the Men; therefore

Resolved, That the Officers appointed, or who shall be appointed to raise men within the Counties of Lincoln & Cumberland for a Regiment to be employed in s^d Expedition, Shall also have liberty to inlist any able-bodied men, who may be found willing, within the County of York, as well as within the said Counties of Lincoln & Cumberland; any Resolve to the contrary notwithstanding.

And whereas the State of New-Hampshire will be greatly benefited by the Success of the said Expedition; Therefore

Resolved, That a Letter be immediately Sent to the State of New-Hampshire, Signed by the President of the Council, & enclosing Copies of the Resolves relative to said Expedition, desiring their aid therein, by permitting the Inhabitants of that State to inlist into the aforesaid Regiment, or in such other way as they may judge most proper.

Also

Resolved, That there be a Bounty of Six Pounds, & a Blanket, paid unto each non-commissioned officer & Private Soldier who shall inlist into the aforesaid Regiment; or into that Regiment which may be raised within the Province of Nova-Scotia, agreeable to Resolves of the 7th Ins^t; or who shall inlist into the Company of Matrosses who shall go upon said Expedition: said Bounties to be paid by the several Muster-Masters of these Forces.

Also

Resolved, That Coll John Wait & Cap^t Stephen Smith shall be the Muster-Masters, to pass all able-bodied men who shall inlist agreeable to said Resolves, & to pay the aforesaid Bounties agreeable to such Instructions as may be ordered by the Council in conformity to these Resolves.

And whereas the success of this Expedition, under God, depends very much upon its being vigorously carried into execution before the Enemy shall have planted themselves strong upon that River; therefore

Resolved, That Cap^t Stephen Smith at Mechias, receive all such Provisions & Military Stores as the Board of war may send; & who are hereby directed to forward to that Post all such Military & other Stores as they may judge necessary for this Expedition. The said Stephen Smith to be accountable for all Stores put into his Hands:

Also

Resolved, That the Bounties to the Matrosses who shall inlist for this service, shall be paid by the Muster-Master in Boston, or by order from the Board of War

Also

Resolved That the Council be desired to furnish forthwith the Muster Masters abovementioned with Such Sums of Money as they shall Judge necessary for the payment of the Bounties abovementioned.

In the House of Representatives

Read and pass'd

In Council

Read & Concurred. [*Passed June 18.*]

CHAPTER 66.

RESOLVE DIRECTING COMMISSARIES TO SELL SLOPS, ETC., ONLY IN SMALL QUANTITIES.

Resolved that the Commissaries appointed in behalf of this State to take charge of all slops, stores, etc., and them to sell to the officers and soldiers in that parte of the army belonging to this State, be and hearby are directed to sell said stores in small quantities as said Commissaries shall judge nasarey for the Comfort of said offer-sers and soldiers and No More, and said Commissaries are impowred to appoint more than one Deputy if necessary & not exceeding three. [*Passed June 18.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 65.
Mass.
Archives,
ccxiv., 203.

CHAPTER 67.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO DELIVER FIRE ARMS, ETC., TO MEN BELONGING TO CAP^t MOSES KNAPP'S COMPANY.

WHEREAS a detachment of drafted men with Cap^t Knap are destitute of fire arms —

Resolved that the Commissary General be & he hereby is directed to deliver each of the Soldiers afs'd, one effective fire arm and accoutrements, the commanding officer of the Company they belong to now present giving his receipt for the same: and Engageing to apply to the commissary general in the Continental army for a receipt for said arms to be returned to the commissary General of this state to redeem his own. [*Passed June 18.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 66.
Mass.
Archives,
ccxiv., 201.

Mass.
Archives,
ccxiv., 202.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 38.

CHAPTER 68.

RESOLVE FOR DRAFTING OFFICERS AND MEN FROM THE BOSTON REGIMENT.

THE COMMITTEE to whom Gen^l Heaths Letter of the 14th Instant requesting a number of militia to do Duty in the Town of Boston for one month from this Day, beg leave to report by way of Resolve —

Resolved that the hon^{ble} Council be requested immediately to issue their Orders to the commanding Officer of the Reg^t of Militia in the Town of Boston for a Draft of one Major, two Captains, four Lieutenants, Eight Serjeants, Eight Corporals, two Drumers, two Fifers & One hundred & fifty privates to do Duty in the s^d Town of Boston for one month from this Day, s^d Detachment to be paid & subsisted at the Expençe of the United States of America as proposed by Gen. Heath in his Letter afores^d, None of those Persons whose Time of Enlistment expires this Day choosing to engage for a longer Time without a new Draft. [*Passed June 18.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 67.
Mass.
Archives,
ccxiv., 198.

Mass.
Archives,
ccxvii., 159.

CHAPTER 69.

RESOLVE ON THE PETITION OF BRIGADIER JOHN FELLOWS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 69.
Mass.
Archives,
cxxxii., 380.

Mass.
Archives,
cxxxii., 379.

ON THE PETITION of Brigadier Fellows Praying that y^e Miletia of y^e first Regt: of y^e County of Berkshire who marched to y^e Highlands in the State of New York July y^e 15th, 1776, on an alarm may be Paid for their services.

Resolved that y^e Prayer of the Petition be Granted, and that there be Paid out of the Publick Treasury of this State to the several officers and men who served, agreeable to such Establishment as then subsisted for y^e support and Pay of the Continental Army.

And the several officers of the several companys who served are Directed to make up their Pay Roles agreeable to said Establishment, and lay them before the Committe on Pay Roles, for Examination and allowance properly authenticated on oath. [*Passed June 18.*]

CHAPTER 70.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 71.
Mass.
Archives,
cxiv., 194.

Mass.
Archives,
cxiv., 193.

RESOLVE ALLOWING RATIONS TO CERTAIN COMMISSARIES AND THEIR DEPUTIES.

Resolved that Rations be and hereby are allowed to The Commissarys and their deputys, appointed by the Resolves of this Court, or in consequence thereof, for dealing out Slops, Stores &c., to such of the continental Troops as have or may be raised in this State, and that such rations be in proportion to their Wages, provided always such Commissarys & their deputys shall not receive Rations from the Continent. [*Passed June 18.*]

CHAPTER 71.

RESOLVE MAKING AN ESTABLISHMENT FOR THE SEVERAL DETACHMENTS OF MILITIA FROM HAMPSHIRE AND BERKSHIRE COUNTIES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 71.
Mass.
Archives,
cxiv., 195.

Mass.
Archives,
cxvii., 5-7.

WHEREAS the several Detachments of the Militia of this State hereafter mentioned have marched out of this State for the defence of the fortress at Ticonderoga and for the defence of the State of Rhode Island; And no Establishment has been made for giving them a Reward in addition to the Wages & Rations they have or may receive from the united States — It is therefore

Resolved that there be allowed & paid out of the Treasury of this State a Bounty of twenty shillings, for each calendar month they continued in service, to each non-commissioned Officer & Private Soldier who marched from the Counties of Hampshire & Berkshire by an order of Council of February 9, 1777, from the County of Berkshire on a request from General Gates of April, 1777, and from the County of Hampshire by order of Council of May, 1777, for the defence of Ticonderoga — And also to each such officer & private who marched for the defence of the State of Rhode Island by an Order of Council of April, 1777, said pay to commence from the Time they marched respectively.

Also *Resolved* that there be allowed and paid to each officer and private in either of said Detachments two pence a mile for each

mile they respectively travelled from their several places of Abode to the place or places to which they marched, before they received the Continental rations. And as it appears that the Selectmen of Some Towns from whence said Detachments marched have already paid said Mileage, it is therefore requested of the Selectmen of the several Towns from whence any part of either of said Detachments marched to pay to the Men who marched from their respective Towns the said Two pence a mile each, and lay their Accounts properly vouched before this Court for allowance and payment.

And whereas it is represented to this Court that the Detachment of the Militia aforesaid who marched & did Duty at Ticonderoga by order of Council of February 9, 1777, by means of Deficiency of Money in the hands of the paymaster there or for want of proper Orders relative thereto have not received their monthly or continental pay —

Therefore

Resolved that there be advanced & paid out of the Treasury of this State to the officers & privates who served in said Detachment, the same Wages and Rations that those of equal Rank serving during that time in the continental Army were entitled to, provided it shall appear they have not received pay for said service. And it is further

Resolved that there be allowed and paid to each officer & private in either of said Detachments, the sum of one penny per mile for each mile such officer or private marched as aforesaid, as an allowance in lieu of waggons to carry their Baggage, Provided they make it appear to this Court or their Committee appointed for that purpose that they carried their own packs or were at the expence thereof and have not been already allowed therefor.

Also

Resolved that an Account of Monies advanced by this State in consequence of the foregoing Resolves, which ought to be paid by the united States, be lay'd with the proper vouchers before Congress for allowance. [*Passed June 18.*]

CHAPTER 72.

RESOLVE PERMITTING JOHN SERGEANT TO PURCHASE BLANKETS FOR STOCKBRIDGE INDIANS.

Resolved upon the petition & memorial of John Sergeant in Behalf of the Indians under his Care residing in Stockbridge, dated the 11th Instant, that the prayer of the petition be granted, & the s^d John Sergeant has leave hereby given to purchase of the Board of War a Number of Blanketts not exceeding twenty, for the Supply of the Indians abovementioned. [*Passed June 18.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 73.
Mass.
Archives,
cxciv., 197.
Mass.
Archives,
cxciv., 197.

CHAPTER 73.

RESOLVE ON THE PETITION OF CHARLES D'WOLF PERMITTING THE SCHOONER BETSEY TO PROCEED TO COTTENBOURG.

ON THE PETITION of Charles Dewolf for himself and the rest of the owners of the Schooner Betsey whereof Capt Timothy Doggett is master, Praying that they may have leave to depart this State with their Schooner & a Cargo of Rice to Cottenbourg in Sweedland,

Legislative
Records of the
Council, (2nd
part), 74.
Mass.
Archives,
clxxxiii., 23.
Mass.
Archives,
clxxxiii., 22.

they the said owners Promising to give Bond to make return in Duck Cordage & medicines.

Resolved That the Prayer of the Petitioners be granted, that they the said Owners may have Liberty to Proceed on the above said Voyage, they giving a good and sufficient Bond to the Naval Officer of the Port of Bedford in the sum of One thousand Pounds, that they make return of the whole neet Proceeds of their Cargo in Duck, Cordage and Medicines into this or any of the United States, the Danger of the Seas and Enemy excepted. [*Passed June 19.*]

CHAPTER 74.

RESOLVE FOR SUPPLYING TOWNS WITH POWDER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 75.
Mass.
Archives,
ccxiv., 209.

Resolved that the Overseers of the Powder Mills in this State be and they are hereby directed to deliver to the Select Men of any Town in this State who may apply therefor, or to their Order, any Quantity of Powder they may request of them, they paying therefor at the Rate of five Shillings a Pound, provided the same do not exceed half a Pound to each Man in their respective Towns including the Alarm List, in Addition to half a Pound a Man heretofore allowed to be drawn by them; and the Select Men are directed to dispose of the same (not exceeding half a Pound per Man) to the Inhabitants of their respective Towns, who are not already provided therewith agreeable to the Militia Act of this State, the Overseers of the said Powder Mills to be accountable to this Court for the Money they may receive therefor. [*Passed June 19.*]

CHAPTER 75.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 76.
Mass.
Archives,
ccxiv., 208.

RESOLVE DIRECTING THE BOARD OF WAR TO HIRE, PURCHASE OR BUILD A STORE AT WORCESTER AND ANOTHER AT SUDBURY.

Resolved that the Board of War be & hereby are empower'd & directed to hire, purchase or build one such large Store at Worcester & another at Sudbury, as they may judge necessary for safely depositing the public Stores under their Care. [*Passed June 19.*]

CHAPTER 76.

RESOLVE DIRECTING THE BOARD OF WAR TO REPLACE CERTAIN BLANKETS ISSUED TO CONTINENTAL SOLDIERS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 76.
Mass.
Archives,
ccxiv., 207.

WHEREAS it has been represented to this Court that a Number of Soldiers belonging to the Continental Battalions raised in this State have since the 16th Instant rec^d a Number of Blankets which are insufficient to cover them —

It is therefore

Mass.
Archives,
ccxxxiv., 45, 46.

Resolved that the Board of War be & they hereby are empower'd & directed to receive all such Blankets as above described & in Lieu of them to deliver such as are good & sufficient. [*Passed June 19.*]

CHAPTER 77.

RESOLVE RELATIVE TO RAISING MEN FOR THE EXPEDITION TO S^t JOHNS RIVER.

THE COM^{TEE} of both Houses appointed to consider what further measures are necessary to be taken in order to carry into Execution the Expedition to S^t Johns River in Nova-Scotia, report the following Resolves, & ask leave to sit again.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 67.
Mass.
Archives,
ccxiv., 210.

J: PALMER p^r ord^r

Resolved, That there be a Letter, signed by the President of the Council, immediately sent to M^r Allan, agent to the Indians at & near S^t Johns in the Province of Nova-Scotia giving him a general Account of what this Court has done, & is doing, in order to secure that Eastern Country; so that he may take such measures with the Indians & others, as shall most effectually promote the Interest & happiness of the united States of America.

Mass.
Archives,
ccxiv., 200.

Resolved, That in addition to the two Muster-Masters appointed on the 18th Ins^t for mustering the men who may inlist into the service for the Expedition to S^t Johns, Dummer Sewal Esq^r of George-Town be & hereby is also appointed a Muster-Master for the same service, & the Council are desired to furnish him with such sums of Money, as they shall judge necessary to pay the Bounties.

Also

Resolved, That the Several Muster-Masters, the Store-Keeper, & Commissary appointed for this Expedition, shall severally give Bond in the sum of two thousand Pounds to the Treasurer of this State, for the faithful discharge of the trust reposed in them. And also

Resolved, That the Council give Instructions to the Store-Keeper & Commissary appointed for this service, how, & in what manner, they shall severally dispose of the Articles which may be put into their hands.

And it is further

Resolved, That the following Forms for Beating-Orders & Inlistments shall be the Forms to be used for raising men for this intended Expedition, viz^t:

To

You are hereby impowered immediately to inlist a Company to consist of 86 able-bodied & effective Men, including Non-commissioned Officers & Privates, as Soldiers in the service of the State of Massachusetts-Bay, & for the Defence of the United American States in General, & of this State in particular, together with such parts of the Province of Nova-Scotia as have, or may, put themselves under the protection of this, or the united States of America; To be upon Continental pay; to continue in Service $\left\{ \begin{smallmatrix} \text{twelve months} \\ \text{Six months} \end{smallmatrix} \right.$ next after the day of their respectively passing Muster, unless regularly discharged sooner; & to be liable to do duty in any part of this, or the Province of Nova-Scotia, as they may be ordered: And each Non-commissioned Officer & private is to receive a Bounty of £6 & a Blanket, from the Muster-Master, upon his passing Muster.

Day of 1777.

We the Subscribers do hereby severally inlist ourselves into the service of the State of Massachusetts-Bay agreeable to Beating-Orders for raising Men for an Expedition of S^t Johns in Nova-Scotia, & to continue in that service Six Months, unless sooner discharged regularly. And each of us do engage to furnish & carry

with us into said Service, a good effective Fire-arm, & also a Bayonet (if to be obtained) a Cartridge-Box & Knapsack; & if no Bayonet, then in lieu thereof, a Sword, Hatchet or Tomahawk. And we severally consent to be formed into a Company by such Persons as are, or shall be appointed by the General Assembly of the State of Massachusetts-Bay; & be under the Command of such Officers as said State has or shall appoint; & faithfully to observe & obey all such Orders as we from Time to Time shall receive from our Officers; & to be under such Regulations in every Respect, as are or shall be provided for the Continental army of the United States of America.

In the House of Representatives

Read and pass'd.

In Council

Read & Concurred. [*Passed June 20.*¹]

CHAPTER 78.

RESOLVE ON THE PETITION OF ROBERT PIERPONT AND OTHERS IN BEHALF OF HOPESTILL CAPEON.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 77.
Mass.
Archives,
ccxiv., 212.

Mass.
Archives,
ccxiv., 213.
House Jour-
nal, p. 133
(October, 1776).

ON THE PETITION of Rob^t Pierpoint & others in behalf of Hopstill Capeon —

Resolved That the said Hopstill Capon be Liberated from the Confinement he was put under by the Court of Enquiry, provided the Petitioners Give bond to the Treasu^r of This State in the sum of five hundred Pounds, that said Hopstill Shall upon Reasonable notis appear before any Court in the County of Suffolk that may be duly Authorised to hear & Determin offences Comited against this or any other of the American States, in Case he the said Capeon Shall within Six months from this date be Notefied to appear as afores^d, and that he the Said Hopstil Capon shall dureing the Term of Six months next folowing Keep the peace and be of Good Behaviour. [*Passed June 20.*²]

CHAPTER 79.

RESOLVE ALLOWING HALF PAY TO ELIJAH HUDSON.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 79.
Mass.
Archives,
ccxiv., 217.

Mass.
Archives,
ccxiv., 218, 219.

ON REPRESENTATION of Jn^o Lucas, Commissary of Continental Pensioners, in behalf of Elijah Hudson, late a Sarjeant in Cap^t Barnes Company & Col^o Wards Reg^t —

Resolved that the said Elijah Hudson is Intitled to half pay to commence from the 31st December, 1776. [*Passed June 20.*]

CHAPTER 80.

RESOLVE ALLOWING HALF PAY TO CAPT. MOSES M^cFARLAND.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 79.
Mass.
Archives,
ccxiv., 220.

Mass.
Archives,
ccxiv., 221, 222a.

ON REPRESENTATION of Jn^o Lucas Commissary of Continental Pensioners, in Behalf of Moses M^cFarland late a Captain in Col^o Jn^o Nixons Regiment —

Resolved that the said Moses M^cFarland is intitled to half pay to commence from 31st December 1776. [*Passed June 20.*]

¹ This date is June 18 according to Legislative Records of the Council.

² This date is June 19 according to Legislative Records of the Council.

CHAPTER 81.

RESOLVE ALLOWING HALF PAY TO BENJAMIN MASTICK.

ON THE REPRESENTATION of Jn^o Lucas, Commissary of Continental Pensioner's in behalf of Benj^m Mastick, late a Soldier in Cap^t Gardiners Company & Co^{ll} Brooks Regiment —

Resolved that the Said Benj^m Mastick is Intiteld to half pay to commence from the 9th of December 1776. [*Passed June 20.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 80.
Mass.
Archives,
ccxiv., 214.
Mass.
Archives,
ccxiv., 216a.

CHAPTER 82.

RESOLVE ON THE PETITION OF THE COMMITTEE OF CORRESPONDENCE AND SAFETY OF THE TOWN OF GORHAM.

ON THE REMONSTRANCE & PETITION of the Committee of Correspondence, Inspection & Safety for the town of Gorham, seting forth that a number of Persons, encouraged by others, did enter the Dwelling House of One of the said Comm^{tee} by Force and Arms & carried off a quantity of goods that were the property of Thomas Coulston of Falmouth, an Absentee, w^{ch} goods were ordered by the General Court to remain in their possession untill the further orders thereof,

Therefore

Resolved that the Committee aforesaid be and hereby are directed to make strict enquiry for the discovery of the Persons who have been guilty of the crimes aforesaid, And cause them to be apprehended & brought to justice, and also that the goods may be recovered into the hands of [the] Committee, & when recovered, the s^d Committee are directed to conform to the acts & resolves of the General Court of this State for Absentees Estates made & provided.

And whereas it is suggested that sundry persons had been at the trouble of procuring the goods above-mentioned, it is further

Resolved that they be allowed to lay their accounts before this Court for allowance provided they were not the perpetrators or abettors of the riotous & Illegal proceedings aforesaid. [*Passed June 20.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 81.
Mass.
Archives,
ccxiv., 224.
Mass.
Archives,
ccxiv., 225, 228.
House Journal,
pp. 136,
138 (October,
1776).

CHAPTER 83.

RESOLVE PROVIDING THAT THE JOURNALS OF THE HOUSE FOR 1776 BE PRINTED INSTEAD OF RECORDED.

Resolved That the Resolve of Court for printing the Resolves for the Year 1776 and recording the Journals of the House, be so far reconsiderd as that the said Journals instead of being recorded be printed in the same manner the Journals of the present Year are to be printed, and that M^r Patridge, M^r Freeman, y^o Clerk & M^r Pickering be a Committee to agree with a printer to print the same accordingly. [*Passed June 20.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 83.
Mass.
Archives,
ccxiv., 229.

CHAPTER 84.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 83.
Mass.
Archives,
ccxiv., 230.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO SUPPLY THE
FORT AT CAPE ELIZABETH WITH POWDER.

Resolved the Commasary General be & he hereby is Directed to
Dilever to mr Peter Woodbury or Order, one Hundred weight of
Gun Powder for the use of the Cannon at the fort in Cape Elessa-
beth, he to be accountable for the same. [*Passed June 20.*]

CHAPTER 85.

ORDER APPOINTING A COMMITTEE TO CONFER ON THE SUBJECT
OF THE POWERS TO BE DELEGATED TO THE BOARD OF WAR.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 81.

Ordered that Walter Spooner, Thomas Cushing and Timothy
Danielson, Esq^{rs}, be a Committee with Such as the Honble Board
shall Join to confer upon the Subject Matter of the Powers to be
given to the Board of War,

Sent down for Concurrence, Came up Concurr'd and M^r
Speaker, M^r Paine and M^r Partridge are Joined. [*Passed June 20.*]

CHAPTER 86.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO SUPPLY THE
FORCES AT FALMOUTH AND CAPE ELIZABETH WITH FLINTS,
CARTRIDGE PAPER, ETC.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 84.
Mass.
Archives,
ccxiv., 238.

Resolved that the Commasary General be & he hereby is Directed
to Deliver to Joseph Noyes, Commasary of the Forces Stationed
at Falmouth & Cape Elesabeth, three Boxes of Candles of about
forty pounds each, One Thousand Flint, One Rheam Cartridge
paper and twelve fathom of match Rope for the use of said
Forces, he to be accountable for the same. [*Passed June 21.*]

CHAPTER 87.

APPOINTMENT OF OFFICERS OF THE COMPANY STATIONED AT
SALEM.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 85.
Mass.
Archives,
ccxiv., 239.

JOHN SYMONDS is hereby appointed Captain and Benjamin
Ropes Jun^r second Lieutenant of the Company station'd at
Salem. [*Passed June 21.*]

CHAPTER 88.

APPOINTMENT OF JONATHAN WARNER AS BRIGADIER GENERAL
OF THE FORCES RAISED FOR THE EXPEDITION TO ST. JOHNS
RIVER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 85.
Mass.
Archives,
ccxiv., 240.

Resolved That Jonathan Warner be and hereby is appointed a
Brigadier General to command the Forces destin'd to S^t Johns in
Nova Scotia, in the room of Moses Little, Esq^r, who declines that
Service. [*Passed June 21.*]

CHAPTER 89.

RESOLVE ON THE MEMORIAL OF CAP^T STEPHEN SMITH DIRECTING
THE BOARD OF WAR TO FURNISH THE TRUCK HOUSE AT MACHIAS
WITH SUPPLIES.

ON THE MEMORIAL of Cap^t Stephen Smith, shewing that one or more of the Inhabitants of Machias, by Selling Strong liquors to the Indians, in such quantities as to intoxicate them, have defrauded them of their Furs, and other valuable Articles, thereby depriving this State in a great measure of the benefitt of their Traffick, and in a great measure frustrateing the laudable design of this State, of attaching Said Indians to its Interest, Together with the necessity the Truckmaster is under to trust them, all which would be prevented, if the evil practice of Selling Strong drink to Said Indians was duly attended to.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 85.
Mass.
Archives,
clxxxiii., 11.

Mass.
Archives,
clxxxiii., 9, 10;
ccxxiv., 29.

Resolved That no person or persons (the Truckmaster excepted) be allowed to give, Sell, Truck, Barter, or Exchange, with any Indian or Indians any strong beer, cyder, wine, rum, brandy, or any other Strong liquors, for Cloathing or any other thing whatsoever the Indians may have in possession whether intoxicated or not, On the penalty of Forty Shillings to be paid one moiety to him or them who shall inform or sue for y^e same & y^e other moiety to Treasurer of this State for y^e use of y^e State, for each and every offence abovementioned, to be recovered att any Court proper to try the same, Or two months imprisonment.

It is further

Resolved that the Board of War be & hereby are directed to furnish the Truckhouse att Machias as soon as may be, with the articles in the Schedule herewith presented, as those articles that are most vendable among the Indians are chiefly disposed of, by orders of this Court the Truckmaster being accountable for such of Said articles as may be delivered him. [*Passed June 21.*]

CHAPTER 90.

RESOLVE GRANTING £9. 12/ TO THE FAMILY OF CAPT. WILLIAM
MEACHUM.

Resolved That the Sum of Nine pounds, twelve shillings be paid out of the Treasury of this State to M^r Amos Foster for the Use of the Family of Captain William Meachum, who was kill'd at Bunker Hill Battle in full for losses there Sustained. [*Passed June 21.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 86.

CHAPTER 91.

RESOLVE ON THE PETITION OF ICHABOD HANSON AND OTHERS
CONFIRMING PROCEEDINGS OF A TOWN MEETING AT WINDHAM
IN 1774.

WHEREAS tis represented to this Court, that at the annual meeting of the Town of Windham in Cumberland County on the 31 day of march 1774, one Richard Maybery a temporary Clerk of the meeting, was not Sworn to the faithfull discharge of that Trust; That the Votes and transactions of the said meeting have since that Time been Recorded in the Town Book of Windham by Richard Dole the standing Town Clerk for that year, from

Legislative
Records of the
Council,
xxxvii. (2nd
part), 87.
Mass.
Archives,
ccxiv., 233.

Mass.
Archives,
ccxiv., 232-237.

minits made on Paper at said meeting by the said Richard Maybery, and as doubts may arise Whether the Votes and proceedings of the said Town meeting can be in law considered legal.

It is therefore

Resolved that the Votes and proceedings of the Town of Windham aforesaid at their march meeting in 1774, as Recorded in their Town Book by Richard Dole, shall be as Valid and effectual to every intent and purpose, as tho' the said Richard Maybery had been duly Sworn: any Law usage or custom to the Contrary notwithstanding. [*Passed June 21.*]

CHAPTER 92.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 88.
Mass.
Archives,
ccxiv., 243.

RESOLVE DIRECTING AGENTS OF THE MIDDLE DISTRICT TO RENDER AN ACCOUNT OF SALES.

Resolved that the Agents of the middle District be & hereby are directed to lay before this Court a particular Acco^t Sales of the several Cargoes that have come into their hands with the names of the Persons to whom & the Prices at which they were sold. [*Passed June 23.*]

CHAPTER 93.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 89.
Mass.
Archives,
ccxiv., 241.

RESOLVE DIRECTING THE BOARD OF WAR TO SELL SALT TO THE INHABITANTS OF PROVINCETOWN.

Mass.
Archives,
ccxxiv., 49.

Resolved That the Board of Warr be directed to sell to the Inhabitants of Province Town one hundred Busshells of Salt out of the State Vessell lately drove on Shore near that place. [*Passed June 23.*]

CHAPTER 94.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 89.
Mass.
Archives,
ccxiv., 242.

RESOLVE ON THE PETITION OF CAPT. JOHN ROCHE.

ON THE PETITION of Cap^t John Roche.

Mass.
Archives,
ccxxiv., 48.

Resolved that the Board of War be & are hereby directed to deliver to the said Cap^t John Roche as much Bolt-rope as may be necessary for compleating the Sails of the Continental Frigate Ranger under his Command, he paying for the same. [*Passed June 23.*]

CHAPTER 95.

RESOLVE FOR RAISING 1,500 MEN TO SERVE AT RHODE ISLAND.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 89.
Mass.
Archives,
ccxiv., 275.

THE COMMITTEE of both Houses to whom was referred the Consideration of the Letter from his Honor Governor Cook of The state of Rhode Island directed to the President of the Council of This State have consider^d the same, and have directed me to report the following Resolve —

TIM^o DANIELSON p^r Order

Resolved That The Council of This state be and hereby are desired to Issue Their Orders immediately to the Brigadiers of The County of Suffolk, Essex, Middlesex, Plymouth, Barnstable, Bristol

and Worcester, and in The Absence of the Brigadiers to the next commanding Officer in the respective Brigades of said Counties, That They Cause one Thousand five hundred Men to be detached forthwith, and formed into Companies of sixty eight Men each with a suitable Number of Captains and subalterns to command Them, and That said Companies be formed into Two Battallions, each Battallion to be under The Command of Three field Officers to be appointed by This Court, said Men to furnish Themselves with Arms, Accoutrements and Blanketts; and That the said Brigadiers cause the Men detached from Their several Brigades to march to the state of Rhode Island to reinforce the Troops under the Command of General Spencer, There or elsewhere in New England as the Council of This state may Order, so early That they may arrive at Rhode Island by the Tenth Day of July next, at which Time, will expire The Term our Militia There are engaged for, to do Duty and be continued in the service until the tenth day of January next unless sooner Discharged; All Officers and Soldiers to be under the same Establishment, and to receive the same Bounty & Milage and in the same Manner, and be subject to the same pains and Penalties as are provided by the Resolve of this Court of 11th of April last, and That the said Brigadiers, Select Men and Committees and all Persons called upon to give Their Assistance to forward the last Reinforcement to Rhode Island, are to observe the same Mode of Conduct pointed out by the Resolve aforesaid in all Respects — and it is further

Resolved That The Number each of the aforesaid Counties are to furnish of the said Detachment of one Thousand five hundred Men is as follows, viz, The County of Suffolk One hundred and eighty Two, The County of Essex Three hundred and Thirteen, The County of Middlesex Two hundred and fifty four, The County of Plymouth One hundred and eighty Three, The County of Barnstable eighty eight, The County of Bristol One hundred and eighty One, and The County of Worcester Two hundred and Ninety Nine Men — And as The Militia of The Town of Boston are detached daily to mount Guard in many Places in and about Boston, The Brigadier of the County of Suffolk is hereby directed not to make any Detachment from the Militia of That Town, to compleat the Quota of the said County of Suffolk.

In the House of Representatives

Read & pass'd

In Council

Read & Concurred. [*Passed June 24.*]

CHAPTER 96.

RESOLVE ON THE PETITION OF EDWARD WENTWORTH PRAYING FOR A NEW TRIAL.

ON THE PETITION of Edward Wintworth Setting forth That on his Late Trial as an Enemy to the United States of America Several Evedinces in his favour ware absent & Therefore praying for a new Trial —

Resolved That the Justises of the Court for the Trial of Such Persons be and they hereby are Autherised & dericted to admit the Said Edward Wintworth To a new Trial. [*Passed June 24.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 91.
Mass.
Archives,
ccxiv., 278.

Mass.
Archives,
ccxiv., 279.

CHAPTER 97.

RESOLVE GRANTING £41. 2. 4 TO DANIEL MARTIN.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 92.
Mass.
Archives,
ccxiv., 247.
Mass.
Archives,
ccxiv., 248-256.

Resolved that the Sum of forty one pounds two Shillings & fourpence be paid out of the publick Treasury of this State to Daniel Martin, being so much lodged in the Said Treasury by an order of the general Court of the 3^d of October 1775, in S^d order Said to [be] the property of some Inhabi[tant] of Bosto[n], said Sum of forty one pounds, two Shillings & 4 [pence ap]pearing to be the property of the Said Daniel Mar[tin]. [*Passed June 24.*]

CHAPTER 98.

RESOLVE GRANTING £62. 10/ TO HON. WILLIAM CUSHING.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 95.
Mass.
Archives,
ccxiv., 264.
Mass.
Archives,
ccxiv., 265.

THE COMMEE to whom was referred the Petition of the Hon. William Cushing Esq^r beg leave to Report by way of Resolve —

Resolved that there be allowed and paid out of the public Treas-ury to William Cushing Esq^r one of the Judges of the Superiour Court of Judicature, Court of Assize &c. the Sum of Sixty two Pounds ten Shillings, which Sum with what has been before granted him, is in full Consideration of his faithful services in said Capacity, for the Year seventeen hundred & seventy Six.

In the House of Representatives

Read and accepted.

In Council

Read and concurred. [*Passed June 24.*]

CHAPTER 99.

RESOLVE ALLOWING ONE THIRD PAY TO BENJAMIN TUCKER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 95.
Mass.
Archives,
ccxiv., 262.
Mass.
Archives,
ccxiv., 263, 263a.

ON REPRESENTATION of John Lucas Commisary of Continantial Pnsioners in behalf of Benj^a Tucker Late a soldier in Col^o Holmans Rigm^t and in Cap^t Loring Lincolns Comp^y —

Resolved That the said Benj^a Tucker is intituled to one third pay to Commence on the 9th of December, 1776. [*Passed June 24.*]

CHAPTER 100.

RESOLVE ALLOWING HALF PAY TO THOMAS BOARDMAN.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 95.
Mass.
Archives,
ccxiv., 268.
Mass.
Archives,
ccxiv., 269, 270.

ON REPRESENTATION of Jno. Lucas, Commissary of Continental Pensioners, in behalf of Thom^a Bordman, late a Corporeal in Capt. Perkins's Company & Coll Littles Regiment —

Resolved that the said Thom^a Boardman is entitled to half pay to commence from the Last day of January, 1777. [*Passed June 24.*]

CHAPTER 101.

RESOLVE DIRECTING BOARD OF WAR TO SUPPLY 400 BLANKETS
FOR USE OF TROOPS IN NORTHERN DEPARTMENT.

Legislative
Records of the
Council, (2nd
part), 96.
Mass.
Archives,
ccxiv., 261.

Resolved, in Consequence of a letter from Majour General Heath of the 21 Instant informing that Majour General Schuyler had wrote him that maney of the Troops in the Northern army were now Suffering for want of Blanketts & has most Earnestly requested that three or four hundred may be lent without Delay, That the Board of war be & they are hereby Direct^d to deliver to Major Gen^l Heath or to his Order four hundred Blanketts for Use of Said troops & that the Continent be Debited for the Same. [*Passed June 24.*]

Mass.
Archives,
cxvii., 190.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 87.

CHAPTER 102.

RESOLVE ON THE PETITION OF THE SELECTMEN OF HARPS-
WELL.

ON THE PETITION of the Selectmen of Harpswell, praying that they may have two Small guards, one on the lower point of merryconeag neck, & the other on the lower end of Sebasco Degin Island,

Legislative
Records of the
Council, (2nd
part), 96.
Mass.
Archives,
ccxiv., 253.

Resolved that there be inlisted Eight men of the militia of the County of Cumberland to keep two guards, four of them to be Stationed on the Lower point of merryconeag neck, & four of them on the lower end of Sebasco degin Island, to be under the direction of the militia Captains of Harpswell, to do duty for the term of Six months from this time unless Sooner discharged by order of Court, & to have the Same wages as the Soldiers Stationed at Falmouth & be allowed Six shillings p week to find themselves Subsistance, & that they furnish themselves with fire arms & other Accoutraments. [*Passed June 24.*]

Mass.
Archives,
ccxiv., 259.

CHAPTER 103.

APPOINTMENT OF SOLOMON LOVELL, ESQR., AS BRIGADIER FOR
SUFFOLK COUNTY.

In the House of Representatives

The House made choice, by ballot, of Solomon Lovell Esq^r as
a Brigadier of the Militia in the County of Suffolk —

In Council

Read & Concurred. [*Passed January 24.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 97.
Mass.
Archives,
ccxiv., 257.

CHAPTER 104.

ORDER ON THE PETITION OF JOHN BROWNE.

ON THE PETITION of John Brown Esq^r praying a Review in a certain Maritime Cause mention'd in his Petition —

Ordered that the Petitioner notify the adverse Party by serving the Owners of the Privateer which captur^d his Vessel, or their Agent or Agents and the Agent for the Captors by serving them with a Copy of his Petition and this Order thereon to shew Cause

Legislative
Records of the
Council,
xxxvii. (2nd
part), 97.
Mass.
Archives,
ccxiv., 244.

Mass.
Archives,
clxxxiii., 35,
35a; ccxiv., 245,
246.

if any they have on Friday the twenty seaventh Instant, why the Prayer of said Petition should not be granted & the Sales of said Vessell & Cargo & all Proceedings thereon be stayed 'till the further Order of this Court. [*Passed June 24.*]

CHAPTER 105.

RESOLVE ON THE PETITION OF THE COMMITTEES OF CAPE ELIZABETH, WINDHAM, GORHAM AND PEARSONTOWN.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 93.
Mass.
Archives,
ccxiv., 271.

ON THE PETITION of the Committees of Cape Elisabeth, Windham, Gorham and Pearsontown, in the County of Cumberland, complaining that severall Mill-Dams have been erected across the River Presumscot which have totally obstructed the Passage of Fish up said River & praying for Relief —

Mass.
Archives,
ccxiv., 272-274.

Resolved that the Petitioners notify Maj^r Benjamin Wait, Owner of the Dam at Presumscot Falls & Amarcoggin Falls on said River, together with Enoch Freeman Esq^r, Daniel Dole, Enoch Ilsley and Abraham Osgood, Proprietors of several Mills on Said River which obstruct the Passage of the Fish (by serving them with a Copy of this Resolve) to appear on the third Tuesday of the next Seting of the General Court, and shew Cause, if any they have why they should not make and keep open a sufficient Sluice or Passage Way thro' and round said Dam for the Passage of Fish up said River, and pay the Charge arising thereon —

And it is further

Resolved that there be paid out of the Publick Treasury of this State to John Lewis Esq^r and James Fabyan Esq^r each the Sum of Sixteen Shillings in full for their Time and Expences for serving on a Committee to view the Mill Dams upon Presumscott River &c, agreeable to a Resolve of the General Court of the 4th of April last. [*Passed June 25.*]¹

CHAPTER 106.

RESOLVE DIRECTING THAT INDIAN CORN BE SOLD TO JOSEPH NOYES FOR THE USE OF THE POOR OF FALMOUTH.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 99.
Mass.
Archives,
ccxiv., 286.

ON THE PETITION of Joseph Noyes one of the Overseers of the Poor of the Town of Falmouth Praying that he may be suplyed with some Indian Corn or Flour for the Use of the Poor of said Town —

Mass.
Archives,
ccxiv., 287;
ccxxxiv., 47.

Resolved that the Commissary General or the Board of War are hereby directed to deliver to Joseph Noyes one of the overseers of the Poor of the Town of Falmouth two hundred bushels of Indian Corn he paying for the same. [*Passed June 25.*]

CHAPTER 107.

RESOLVE ON THE PETITION OF ELIHU HEWES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 99.
Mass.
Archives,
ccxiv., 285.

ON THE PETITION of Elihu Hewes praying for a Quantity of Salt,

Resolved that fifty Bushels of Salt be granted to Elihu Hewes the Petitioner, to be delivred to him, or order, by the Agents of

Mass.
Archives,
ccxiv., 284.

¹ This date is June 24 according to Legislative Records of the Council.

the State or Com^t of Sequestration, he paying 10/ p^r Bushel for the Same, to be distributed in Small Quantities (by the S^d Hewes and the Committees of Safety &c. of the Plantation called Wheelersborough & of those Setlers who inhabit the Lands opposite to S^d Wheelersborough on Penobscut River) to the Inhabitants living near S^d River as described in said Petition. [*Passed June 25.*]

CHAPTER 108.

RESOLVE CONFIRMING A TOWNSHIP TO JOHN WHETCOMB, HENRY GARDNER AND OTHERS.

ON THE PETITION of the Hon^{ble} John Whetcomb & the Hon^{ble} Henry Gardner Esq^{rs} requesting the Acceptance of a plan & confirmation of the land therein represented, to them & their Associates as named in a Schedule exhibited with Said plan, in Satisfaction for a grant made to them, on the 23 day of Feb^{ry} AD, 1774, of A Township of land, of the Contents of Seven miles Square, which grant was made in consequence of their loosing the Township N^o 6 in the line of Towns on Contooko[ok] River by runing the line between this State & the State of New Hampshire, *Legislative Records of the Council, xxxvii. (2nd part), 100. Mass. Archives, clxxxii., 400.*

Resolved [That] the Township of land described by the following lines & Courses be confirmed to [the] Aforesaid John Whetcomb & Henry Gardner Esq^{rs} & their Associates on the Conditions hereafter mentioned, viz Beginning at a White pine tree in the Westerly corner of a Township called Otisburg, thence N^o 25 ^{degs} W: one Hundred rods, to a Stake, in the Northerly corner of a Township called Bridgeton, thence S 65 ^{degs} W: two miles to a Stake, thence N^o 25 ^{degs} Six miles & half & thirty rods, to a hemlock, thence N^o 65 ^{degs} E: one mile to a Stake, thence N^o 25 ^{degs} W: one Hundred & ninty rods to a Stake, thence N 65 ^{degs} E: three Quarters of a mile to a Stake, thence N 25 ^{degs} W: one Hundred rods to a Stake, thence N 65 ^{degs} E: two miles, thence S 25 ^{degs} E: one Hundred rods to a Stake, thence N 65 ^{degs} E: three miles & three Quarters, thence S 25 ^{degs} E: Seven miles & Sixty rods to a heap of Stones, thence S 65 ^{degs} W: by land belonging to this State & the Aforesaid Otisburg to the White pine first mentioned, on the Conditions that this grant does not interfere with Any former grant or grants, & that the Grantees perform the terms mentioned in the said Grant of Feb 23 AD. 1777 [1774] & Also that the Contents of the ponds in Said Township [amounts to Two Thousand Six Hundred Acres, and provided the same does not Contain more than seven miles square Exclusive of Ponds. [*Passed June 25.*]

CHAPTER 109.

RESOLVE ADDING DOCT^{OR} MOSES GUNN TO THE COMMITTEE ON ACCOUNTS.

Resolved That Doct^r Moses Gunn be & he is hereby added to the Committee on accounts. *Legislative Records of the Council, xxxvii. (2nd part), 104. Mass. Archives, ccxiv., 281.*

In the House of Representatives

Read and passed.

In Council

Read and concurred. [*Passed June 25.*]

CHAPTER 110.

RESOLVE ON THE PETITION OF SAMUEL TAYLOR PRAYING TO BE SET OFF FROM THE EAST TO THE WEST PARISH IN DUNSTABLE.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 100.
Mass.
Archives,
ccxiv., 282.

ON THE PETITION of Samⁿ Taylor Praying to Be Sett off From the East to the West Parishes in Dunstable with his Estate —

Resolved that The Petitioner Notify the Clerks of Each of the Parishes of the Town of Dunstable By Serving them with a Copy of this Petition also with a Copy of this Resolve: to Shew Cause (if any they Have) on the Third Tuesday of the Next Setting of the General Court why the Prayer thereof Should not be Granted. [*Passed June 25.*]

Mass.
Archives,
ccxiv., 283.

CHAPTER 111.

RESOLVE APPOINTING A COMMITTEE TO REVISE THE ACTS FOR ENCOURAGING THE FITTING OUT OF ARMED VESSELS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 100.

In the House of Representatives

Resolved that M^r Partridge and M^r Sumner with such as the Hon^{ble} Board shall Join be a Committee to revise the Several Acts of this State for encouraging the fixing out of Armed Vessels and report what amendments are proper to be made —

In Council

Read and Concurred and Richard Derby Esq^r is Joined. [*Passed June 25.*]

CHAPTER 112.

RESOLVE ALLOWING A PENSION TO DAVID WOOD.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 105.
Mass.
Archives,
ccxiv., 293.

ON THE REPRESENTATION of John Lucas Commisary of Continintal Pansioners in behalf of David Wood, Late a Sargent in Cap^t David Warners Comp^y & in Col^o Holmans Rigement —

Resolved That the Said David Wood is Intitled To a full Pension to Comence from the first day of December, 1776. [*Passed June 26.*]

Mass.
Archives,
ccxiv., 294-
295^a.

CHAPTER 113.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY THE TRUCK HOUSE AT MACHIAS WITH SUNDRY ARTICLES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 105.
Mass.
Archives,
ccxiv., 292.

WHEREAS Sundry Articles were Omitted in a Resolve that passed this Court the 21st Inst for Supplying the Truckhouse att Machias, It is therefore

Resolved that the Board of War, be and they are hereby directed to Supply the Truckhouse att Machias with 600^t Shott, 100 Y^{ds} Ozenbrigs, 2^{dz} firelocks and a Suitable quanty of Needles and Combs.

And as Cap^t Stephen Smith, Truckmaster att Machias, Earnestly requests orders for his Conduct in that department,

It is further

Resolved That he be and he is hereby directed to Use his best discession in the Sale of the goods that are, or may in consequence of this Resolve be delivered to him, He being accountable to this State for the Same. [*Passed June 26.*]

CHAPTER 114.

RESOLVE APPOINTING A COMMITTEE TO PRINT THE RESOLVES
FOR 1776.Legislative
Records of the
Council,
xxxvii. (2nd
part), 105.
Mass.
Archives,
ccxiv., 291.

Resolved That M^r Wendell, Mr Brown of Framingham & M^r Sewall be a Committee to see that the Resolves of the General Court for the Year 1776 be printed agreeable to a late Resolve of said Court — without delay — And also to correct the Press. [Passed June 26.]

CHAPTER 115.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH FIELD
PIECES TO THE BRIGADIERS OF THE SEVERAL COUNTIES.Legislative
Records of the
Council,
xxxvii. (2nd
part), 106.
Mass.
Archives,
ccxiv., 290.
Mass.
Archives,
ccxxxiv., 51, 52.

Resolved That the Board of War be & hereby are directed to deliver to the Brigadier of each respective County in this State who shall apply for the same and are not already furnished, two Field pieces with apparatus and ammunition for the same, in order to Equip his Brigade agreeable to the Militia Act. [Passed June 26.]

CHAPTER 116.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO SUP-
PLY SALT FOR THE USE OF THE TOWN OF WILLIAMSTON [WIL-
LIAMSBURGH].Legislative
Records of the
Council,
xxxvii. (2nd
part), 106.
Mass.
Archives,
ccxiv., 289.
Mass.
Archives,
ccxxxiv., 50.

Resolved that the Com^{tee} of Sequestration be directed to deliver to Samuel Niles Esq^r for the use of the Town of Williamston,¹ He paying for the Same, the proportion of Salt allow^d by this court the 13th day of this In^t, to Said Town, being Thirty two¹ bushels. [Passed June 26.]

CHAPTER 117.

RESOLVE APPOINTING A COMMITTEE TO MEET COMMITTEES OF
OTHER STATES AND CONFER RELATIVE TO PAPER CURRENCY.

THE COMMITTEE of Both Houses Appointed to Consider the Whole Matter respecting the Acts for preventing Monopoly & Oppression at large & to report what is proper to be done; have Attended that Service & beg leave to report by way of Resolve as follows —

JER: POWELL p Order

Legislative
Records of the
Council,
xxxvii. (2nd
part), 103.
Mass.
Archives,
ccxiv., 309.

Resolved that the Hon. Robert Treat Paine & Azor Orne Esq^{rs} with such as the Hon^{ble} Board shall join be and hereby are Appointed a Committee in behalf of this State to meet Committees from the General Assemblies of the States of Newhampshire, Rhode Island, Connecticut & New York, at the Town of Springfield in y^e County of Hampshire, within this State on y^e thirtieth Day of July next, in case said Assemblies think fit to Appoint such Committees then and there to hold a Conference respecting the state of the Paper Currency of y^e Said Governments, of the expediency of calling in the same by Taxes or Otherwise, of the

Mass.
Archives,
cxliv., 1-47;
ccxiv., 260.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 97.

¹ The schedule of each town's proportion gives: "Williamstown . . . 65, Williamsburgh . . . 32." — Mass. Archives, ccxiv., 289, is endorsed "Williamsburgh."

most Effectual, Expeditious and Equal method of doing it, and to Consult upon the best means for Preventing the Depreciation and Counterfeiting of the same, and also, to consider what is proper to be done with respect to the Acts lately made to prevent Monopoly & Oppression, and to Confer upon the late Acts for preventing the Transportation by Land, of certain Articles from One State to Another, And to Consider such other matters as particularly Concern the immediate Welfare of Said States, and are not repugnant to or Interfering with the Powers and Authorities of the Continental Congress, and to report the result of their Conference to y^e General Court, and the Secretary is hereby directed Immediately to Transmit Authenticated Copies of this Resolve to the Gen^l Assemblies of the States Aforementioned —

And every Clause in an Act intituled “an Act in Addition to and for Amending & more effectually carrying into Execution an Act intituled, “An Act to prevent Monopoly and Oppression, made the present year” be & hereby are Suspended, Untill the further Order of this Court, Excepting the two first Enacting Clauses, in the Act before mention’d, determining the prices Certain Articles therein Enumerated shall be Sold at.

In the House of Representatives

Read and accepted

In Council

Read & Concurred and Thomas Cushing Esq^r is joined on the Part of the Board. [*Passed June 27.*¹]

CHAPTER 118.

RESOLVE REMITTING A FINE LAID ON THE TOWN OF HARPSWELL.

WHEREAS there was a Fine of fourteen Pounds, ten Shillings laid on the Town of Harpswell for not returning a Representative to the general Court for the Years One Thousand seven Hundred seventy one and seventy two, and it appearing to this Court that the Town of Harpswell was not notified by the Town of Brunswick to choose a Representative, Therefore

Resolved,

That there be allowed and paid out of the public Treasury of this State to the Select Men of Harpswell or their Order for y^e use of y^e s^d Town of Harpswell, the Sum of fourteen Pounds ten Shillings they giving a Receipt of the same. [*Passed June 27.*]

CHAPTER 119.

RESOLVE REPEALING THE RESOLVE FOR DETACHING 1,500 MEN TO SERVE AT RHODE ISLAND.

THE COMMITTEE of both Houses appointed to consider the Letter from Governor Cook Dated Providence June the 25 1777, and also the Resolve for Detaching 1500 of The Militia of This State to march for the Defence of Rh Island and report what is necessary to be done have consider^d the same and beg leave to report the following Resolves —

TIM^o DANIELSON p^r Order

Resolved That the Resolve of this Court of the 24th of June 1777 for detaching 1500 Men from the Militia of This state for

¹ This date is June 25 according to Legislative Records of the Council.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 108.
Mass.
Archives,
ccxiv., 306.

Mass.
Archives,
ccxiv., 307, 308.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 108.
Mass.
Archives,
ccxiv., 310.

the Defence of The state of Rh Island be and is hereby repealed and made Null and Void —

And it is further

Resolved That as This Court are raising Two Regiment to serve in Rhode Island and elsewhere in the New England states as They may be order^d and to be forwarded to the said state of Rhode Island as soon as enlisted, a circular Letter be wrote to the Colonels commanding the several Regiment of Militia of This State now Serving in the state of Rhode Island directing Them to call upon the Officers and soldiers of Their Regiments as volunteers to engage to continue in the same Service for the Term of Two Month or a shorter Time unless sooner relieved by the arival of the Two Regiments now raising in this state for That Purpose.

Mass.
Archives,
ccxiv., 288.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 98.

The form of a Letter to the Several Colonels commanding the Militia Regiment of This state now Serving in Rhode Island.

Boston June 1777

Gentlemen

You have enclosed a Resolve of the General Court of this state passed for the purpose of continuing your Regiments in Service in Rhode Island for the Term of Two Month or as long as They can be prevailed upon — You will Therefore, Gentlemen, on the receipt of This, use your Influence with your several Regiments to continue Them in Service for That Time unless sooner relieved by the Arival of Two Regiment raising in This state for That purpose who will be marched There as soon as mustrd, and if the Circumstances of any Soldiers in your Regiments should be such That all cannot be prevailed upon to continue for said Term, each of you will endeavour to engage as many of your respective Regiments as can be prevailed upon to continue as aforesaid, who shall receive the same pay They now do, and you will continue in said Service for said Term Captains and Subalterns and field Officers in proportion to the Number of noncommissioned Officers and Soldiers that shall engage to continue in said Service for the Term above mentioned and no more.

In Council.

Read & Accepted

In the House of Representatives

Read and concurr'd. [*Passed June 27.*]

CHAPTER 120.

RESOLVE IMPOWERING BRIG. GEN. JONATHAN WARNER TO APPOINT FIELD AND STAFF OFFICERS FOR THE REGIMENT TO BE RAISED IN NOVA SCOTIA.

ON THE MEMORIAL & PETITION of Brigadier Jonathan Warner respecting the appointment of Field Officers for the Regiment to be raised in Nova Scotia, & also for four Field pieces in addition to what are already granted and a suitable number of Matrosses for the same.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 110.
Mass.
Archives,
ccxiv., 302.

Resolved that Brigadier Jonathan Warner have the appointment of the Field & Staff Officers agreeable to a former Resolve, for the Regiment to be raised in Nova Scotia, and that he be allowed a Brigade Major, to be upon the same establishment as a Brigade Major in the Continental service, and also that he be supplied with two field pieces & a suitable number of Matrosses to serve the same in addition to what have been already granted. [*Passed June 27.*]

Mass.
Archives,
ccxiv., 303.

CHAPTER 121.

RESOLVE IMPOWERING TIMOTHY GIBSON, JUN^r, ADMINISTRATOR,
TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 110.
Mass.
Archives,
ccxiv., 304.

Mass.
Archives,
ccxiv., 305.

ON THE PETITION of Timothy Gibson Jun^r Administrator on the Estate of Peter Graves late of Stow in the County of middlesex deceased, praying that [he m]ay be impowered to Sell the real Estate of the deceased (which consists of two ninths of the thirds Assigned to the Widow of Ebenezer Graves) to pay the debts due from the Estate of the said Peter & charges of Administration,

Resolved that Said Timothy Gibson Jun^r be & he hereby is impowered to Sell, for the most the Same will fetch, the Real Estate which Belonged to the Aforesaid Peter Graves, & make & execute a good deed or deeds of the Same, he giving proper caution to the Judge of Probate for the Said County of middlesex that After the payment of the debts, charges of Sale, & Administration the remainder Shall be distributed According to Law. [*Passed June 27.*]

CHAPTER 122.

RESOLVE FOR RAISING TWO REGIMENTS FOR THE DEFENCE OF
THE NEW ENGLAND STATES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 112.
Mass.
Archives,
ccxiv., 296.

Mass.
Archives,
ccxiv., 299;
ccxxxiv., 53.

Resolved that two regiments of Infantry be forthwith raised for the Defence and security of this and the other New England states, for the term of six Kalender months from the first Day of July Next unless sooner Discharged, to be upon the continental Establishment, and each non commissioned officer and soldier to receive as a bounty the sum of twenty shillings for each Kalender mounth Duering his Continuance in service — and each noncommissioned officer & Privet soldier shall equipt himself with a good fire arm and Bayonet, a Cartrige Box, Knapsack and blanket, and Wooden Bottle or canteen that will [hold] one Quart, Except such as shall Produce a Certifacate from the Officer that he is Inlisted and is not able to furnish himself, in that Case, the Board of war, or Comm^{try} General are hereby Directed to furnish such Soldier with a Gun Bayonet and Catridg-box and canteen the afores^d Officer Giving his security for the Value of s^d arms to be Paid for unless Returned and if Returned to Stop six shillings out of the soldiers wages for the use of s^d arms and Pay the same into the Treasury of this state and that no nooncommissioned officer or Prive soldier be allowed to Pass muster unls^s So equipped and Provided — and that the men so raised equipped & muster^d be immediately marched to the State of RohdIsland their to Do Duty under the Command of Genral Spencer or other the commanding officer in that Department 'till the further order of the Genral Court — and it is further

Resolved that the following Persons be oppinted feild officers for the above Regiments (Viz) John Robinson Co^{ll}, John Jacobs Left Co^{ll}, Frederick Pope Maj^r, Danforth Keys Co^{ll}, John Pain Left Co^{ll}, Nathaniel Wade Maj^r, and that each of the aboves^d Regiments Shall consist of Eight Companey^s & each company of one Captain two Lieutenants one Ensign & Eighty six Noon commissioned offoicers & Privets and the feild officers Shall Give out beating orders & inlestments to the Captins and Sublterns for

their respective Regiments which beating orders shall be of the form following viz

To You are hereby impowered immediately to Inlest into the sarvice of this state a company of Eighty six effective men including nooncommissioned officers to continue in sarvice till the first Day of January Next and that you cause said men to Pase muster as soon as may be Day of 1777

and that s^d Inlistments shall be of the form following (Viz) We the subscribers Do hearby severally inlist ou[r]selves¹ into the sarvice of the massachusetts State to contin[ue in]¹ sarvice till the first day of January next unless sooner [discharged]¹, and each of us Do ingage to provide ourselves with a [good]¹ fire Arm & Bayonet, Cartrige Box, Knapsack & Blanket a Wooden Bottle or Canteen and to Do Duty in either of the New England states & we Engage faithfully to Obey such orders as we shall recive from time to time from the officers that are or shall be appointed over us and to be subject to such Regulations as [are]¹ Provided for the Continental Army Dated this and that the several muster-masters Appointed to muster our Quota of the Continental army be and hereby are impowered & Directed to muster the two Battalions aforesaid & to pay each Non Commissioned officer & private Soldier so muster^d Three pounds in part of the afores^d Bounty of Twenty Shillings [p^r Kallander month]¹ & also make return of those whom they shall muster to the Council once in three weeks, and the Council are Desier'd to furnish the several Muster Masters with Money for that purpose out of the Treas^r of this State & to Give their orders to the officers Directing them to cause the men as soon as inlested & muster^d to march immediately to Rhode Island as afore said —

Also

Resolved That there be allowed to each noncommission'd Officer & Private Soldier two pence p mile travel from the place whence they shall march to the Place of Rendezvous in lieu of Rations And the Selectmen of the several Towns from whence the men shall march are directed to pay the same & lay their Accounts before this Court for allowance. [*Passed June 27.*]

CHAPTER 123.

RESOLVE ON THE PETITION OF INHABITANTS OF NORRIDGEWALK.

ON THE PETITION of a Number of the Inhabitants of Norridgewalk on Kenebeck River praying that a Guard may be station'd on said River —

Resolved That Coll William Howard be and he hereby is impowered to raise by Inlistment, a party to consist of one Sergeant, and five Private Men, said Party to remain in service of this State untill the first Day of December next unless sooner discharg'd by said Howard, to be employed as a Scouting Party on the Frontiers of the Inhabitants on Kenebec River at such convenient place or places as the said Howard shall order — Said Sergeant to be allowed and paid out of the Public Treasury of this State the Sum of fortyeight shillings and each of the said Privates the Sum of forty shillings p Calendar Month — Also six shillings p Week each for their subsistence — And it is further

Resolved That the Commissary General be and he is hereby directed to deliver to Capt Abiel Lovejoy six good Fire Arms, six

Legislative
Records of the
Council,
xxxvii. (2nd
part), 114.
Mass.
Archives,
clxxxiii., 13.
Mass.
Archives,
clxxxiii., 12, 12a.

¹ Inserted from Legislative Records of the Council.

pounds of Powder, and Ball answerable — Also one dozen Flints, to be by him conveyed to the aforesaid Howard, for the use of said Party while in said Service—to be accounted for, by those who shall receive the same. [*Passed June 28.*]

CHAPTER 124.

RESOLVE ON THE PETITION OF JAMES R. MILLER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 117.
Mass.
Archives,
ccxiv., 315.

Mass.
Archives,
ccxiv., 314.

Resolved that the Agents for the Armed Vessels of this State be & hereby [are] directed to deliver to the Petitioner James R. Miller the thirty peices of Linnen which appears to this Court to be his private Adventure or otherwise to pay him one hundred pounds L money out of the Sale of the Ship Lonsdale & her Cargo Captur'd by Capt Harrenden of this State. [*Passed June 30.*]

CHAPTER 125.

RESOLVE APPOINTING A COMMITTEE TO SUPERVISE THE PRINTING OF THE NEW EMISSION OF BILLS OF PUBLIC CREDIT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 117.
Mass.
Archives,
ccxiv., 321.

Resolved that M^r Ebenezer Wales & Maj^r Jacob Davis be & hereby are appointed a committee to attend at M^r Hurds while he is striking off or making the impression for borders round the Notes last ordered by the General Court to be emitted, and that said committee take possission of the plate and keep the same in some safe place while not in immediate Use, and deliver the plate when a sufficient number of sheets are struck off to the Treasurer of this State or such other person or Persons as this Court shall order—And that they diliver no sheets when impressed or struck off to any other person except one of the committee hereafter appointed to inspect the printing said Notes And that they take a Receipt for all they may so diliver. Also

Resolved that Nehemiah Thomas Esq^r & Nath^l Reynolds Esq^r be and hereby are appointed a Committee to receive of the Committee first mentioned all the sheets which may be impressed or struck off by M^r Hurd and cause the same to be printed, that they carefully inspect the printing press, and diliver to the committee appointed by the Act for making & emitting said Notes to countersign the same, all the sheets which shall be so printed and take receipt therefor. [*Passed June 30.*]

CHAPTER 126.

APPOINTMENT OF ELISHA PORTER AS COLONEL OF THE 4TH REGIMENT OF MILITIA IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 119.
Mass.
Archives,
ccxiv., 320.

In the House of Representatives
The House made choice by ballot of Elisha Porter Esq^r as Colonel of the fourth Regiment of Militia in the County of Hampshire in the room of Coll How displaced.

In Council
Read & Concurred. [*Passed June 30.*]

CHAPTER 127.

RESOLVE PROVIDING FOR WAGES OF THE MATROSSES TO BE RAISED
FOR THE EXPEDITION TO NOVA SCOTIA.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 119.
Mass.
Archives,
ccxiv., 319.

Resolved that the Matrosses to be rais'd for the Expedition to Nova Scotia shall be entitled to the same Pay as the Matrosses that are engaged upon the Continental Establishment. [*Passed June 30.*]

CHAPTER 128.

RESOLVE DIRECTING CALDWELL & BLACK TO PAY £53. 2/ TO JOHN
MASON OF BARRE.

WHEREAS the Agent of John Caldwell & John Black of Barre in the County of Worcester on the 4th Day of June instant delivered into the hands of a member of this House the sum of fifty three Pounds two shillings lawfull money, which money was the sum total of an Account of the Time & expence of the Committees of Safety &c of the Towns of Barre, Hardwick, New Braintree & Oakham in s^d County at two meetings in s^d Town of Barre upon Complaint against s^d Caldwell, Black &c, and of the Charges of the Evid[ence] which attended the Gen^l Court of this State at the Time of Tryal, viz, on the fifth Day of Feb^y last, which sum of fifty three Pounds two shillings was by consent of s^d agent to have been delivered into the hands of the agent of s^d Committees on condition the Praye[r] of the Petitions of s^d Caldwell & Black then before this House, should so far be granted that they should have liberty to return from the comon Goal in s^d County to their respective Farm[s] under such restrictions as the s^d Gen^l Court should judge proper.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 119.
Mass.
Archives,
ccxiv., 312.

And whereas the Prayer of s^d Petitions was granted as aforesaid, the Court being at that Time certified that the said sum of fifty three Pounds two shillings was ready for the C[om]mittees and Evidence as aforesaid, yet the said Agent for the s^d Caldwell & Black has recived s^d money into his own hands again & the said Caldwell & Black are returned to their Farms as aforesaid without payment thereof.

Therefore,

Resolved that the said Caldwell & Black forthwith pay into the hands of M^r John Mason of Barre the s^d sum of fifty three Pounds two shillings, he giving them a Discharge therefor in behalf of said Committees and Evidence aforesaid, or otherways be by the Sheriff of the said County recommitted to the Goal aforesaid, there to remain untill the payment thereof and the Charges arising from this Process, any resolve to the contrary notwithstanding. [*Passed June 30.*]

CHAPTER 129.

APPOINTMENT OF JABEZ HATCH AS COLONEL OF THE BOSTON
REGIMENT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 120.
Mass.
Archives,
ccxiv., 313.

In the House of Representatives

The House made choice by ballot of Jabez Hatch Esq as Colonel of the Boston Regiment of Militia —

In Council

Read & Concurred. [*Passed June 30.*]

Legislative
Records of the
Council,
xxvii. (2nd
part), 113.
Mass.
Archives,
clxxxii., 266a.

Mass.
Archives,
clxxxii., 266.

CHAPTER 130.

RESOLVE ON THE PETITION OF ABIGAIL GALLOP.

Resolved that Abigail Gallop with her Children be and hereby is Premitted To Pass From hence To Rhodeisland agreeable To her Petition. [*Passed June 30.*]

CHAPTER 131.

RESOLVE PROVIDING THAT GUARDS BE RAISED FOR THE CONTINENTAL MAGAZINES AND STORES.

Legislative
Records of the
Council,
xxvii. (2nd
part), 106.
Mass.
Archives,
ccxiv., 342.

Mass.
Archives,
ccxiv., 341.

THE COMMITTEE to whome was referd, the Consideration, of A Letter from General Heath, to the Council of this State, & Report what was to be dun there on have attended that Service and begg leave to Report by way of Resolve

JEDIDIAH PREBLE p order

Resolved, that the Brigadier of the County of Hampshire be directed to detach one Captain & two Subalterns & to draft from such Parts or Towns of the said County as he shall judge most reasonable Two Serjeants, four Corporals one Drum one Fife and Sixty Privates, & the Brigadier of the County of Worcester be directed to detach two Subalterns, & to draft from such Parts or Towns of the said County as he shall judge reasonable Two Serjeants, four Corporals, one Drum and Sixty Privates, which said officers & soldiers shall be posted in such Manner as General Heath, or other Commander in Chief of the Continental Army in this State shall direct, to guard the several Continental Magazines & Stores in Springfield & in Brookfield, & shall obey such orders and Directions relative thereto as they shall from Time to Time receive from such Commander in Chief, which said Officers & Soldiers shall be paid for their services according to the Continental Establishment, & shall do Duty untill the first Day of January next unless sooner discharged.

And it is further

Resolved that an Additional Number of one Subaltern & fourteen Privates from the County of Middlesex & one Serjeant & Eleven Privates from the County of Suffolk, be drafted in the Manner & for the Purposes & be under the same Regulations as are appointed in the Resolves of this Court of the 14th Instant and that the Council be desired to issue their Orders accordingly.

In Council

Read & Accepted

In the House of Representatives

Read & Concurr'd. [*Passed July 1.*]

CHAPTER 132.

RESOLVE FOR CELEBRATING THE ANNIVERSARY OF THE DECLARATION OF AMERICAN INDEPENDANCY.

THE COMMITTEE of both Houses Appointed to consider a Suitable Method of Commemorating the Anniversary of American Independancy beg leave to report the following Resolve —

JER. POWELL p order

Legislative
Records of the
Council,
xxvii. (2nd
part), 122.
Mass.
Archives,
ccxiv., 338.

Mass.
Archives,
ccxiv., 318.

¹ This date is June 26 according to Legislative Records of the Council.

Resolved that Some Suitable Person be requested to perform Divine worship & preach a Sermon Suitable to the Declaration of the Independancy of the thirteen United States of America on Friday next being the fourth day of July at the Old Brick Meeting House in Boston, Service to begin at 10 o'Clock, being the Anniversary of the Same, and that Col Crafts Train of Artillery with two field peices, and the Militia of the Town of Boston with the Independant Company Appear under Arms at 12 o'Clock of said Day in Congress Street, and that the grand Salute of 13 Cannon be fired at the Castle, and by the Train under Col. Crafts in Congress Street.

In Council

Read and accepted & thereupon

Ordered that Doct^r Charles Chauncey be and hereby is requested to preach the Sermon on Said anniversary

In the House of Representatives

Read & concurred

And M^r Davis M^r Wendell & M^r Pitts are appointed to make suitable Provision for the decent observance of said Day.

In Council

Read & Concurred. [*Passed July 1.*]

CHAPTER 133.

RESOLVE REQUESTING DR. SAMUEL COOPER TO PREACH THE SERMON ON ANNIVERSARY DAY.

Resolved that the Rev^d D^r Sam^l Cooper be & he hereby is requested to preach a Sermon suitable to the Declaration of Independency on Friday next, (in the room of the Rev^d D^r Chauncey who has declined on account of his halth) agreeable to a Resolve of the Court pass'd this day. [*Passed July 1.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 123.
Mass.
Archives,
ccxiv., 334.

CHAPTER 134.

RESOLVE IMPOWERING CAPT. JACOB BORDMAN TO DELIVER SALT TO THE SELECTMEN OF SUNDRY TOWNS IN ESSEX, MIDDLESEX AND WORCESTER COUNTIES.

WHEREAS this Court by there Resolve of the 13th of June Last, Directing the Agents of this State and the Committe of Sequestration, to Deliver to the Selectmen (or order) of Sundry Towns in the Countys of Essex Middlesex, & Worcester, a Quantity of Salt Specified in a Schedul annext to S^d Resolve, which is now Deposited in the Towns of Newbury Port and Bradford, and as it is found Inconveanent for the S^d agents &c to Deliver out the Same It is Therefor

Resolved that Cap^t Jacob Bordman be and he hereby is Impower'd and Directed, to Deliver out the Same, in the Same Manner, as the Agents &c ware Directed in the Resolve afor s^d, he being accountable to this Court for the Money he Shall Receive for the Same, any Resolve to the Contreary notwithstanding. [*Passed July 1.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 123.
Mass.
Archives,
ccxiv., 336.

CHAPTER 135.

RESOLVE ASSIGNING FRANCIS SHAW AND OTHERS TO COL. M^CCOBB'S REGIMENT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 123.
Mass.
Archives,
ccxiv., 335.

THE COMMITTEE of Both Houses appointed to Consider a letter from Francis Shaw of Gouldsbrough have attended that Service and Ask leave to report by way of Resolve —

JOHN TAYLOR Pr order

Resolved, that Francis Shaw and all the men which have marched with him to the Assistance of M^r Allen at the River S^t Johns in the Province of Nova Scotia, shall be considered as Part of Col^o M^cCobbs Regiment and shall be intitled to Pay and Subsistance from the time they engaged in the Service.

In the House of Representatives

Read and accepted

In Council

Read & Concurred. [*Passed July 1.*]

CHAPTER 136.

RESOLVE ON THE PETITION OF DAVID POWER, A PENSIONER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 124.
Mass.
Archives,
ccxiv., 330.

Mass.
Archives,
ccxiv., 331-333.
Province
Laws, xiii.,
558, chap. 251.

ON THE PETITION of David Power setting forth that in Consideration of the Wounds he received in the Expedition against Louisbourg in the Year 1745, a Pension of three Pounds six Shillings *p* Annum was granted him by the Great and general Court of this State — then Province, and that there is due to him, since the Beginning of Ap[r] last, two Years Pension, and praying that he may be entered on the Records of this State as a Pensioner for Life,

Resolved That the said David Power be paid out of the Treasury of this State the Sum of Six Pounds twelve Shillings for Arrearages of his former Pension, and that hereafter he be paid annually the Sum of three Pounds six Shillings during his natural Life. [*Passed July 1.*]

CHAPTER 137.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH SUPPLIES FOR CAPT. ELISHA NYE'S COMPANY.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 125.
Mass.
Archives,
ccxiv., 327.

Mass.
Archives,
ccxiv., 328, 329;
celxxxiv., 54.

WHEREAS Benony Nicholson Commasary to a Company stationed at tarpaulon Cove on Norshan Island under the Command of Capt Elisha Nye has petitioned this Court for forty bariles of flour six barreles of beaf and one hogsd of molases —

Resolved that the prayer of the petition be so far granted as that the bord of war be directed to deliver to said Nicholson forty barales of flour and six barales of beaf for the use of said Company he to be accountable to this Court for the expenditure of the same. [*Passed July 1.*]

CHAPTER 138.

RESOLVE ON MEMORIAL OF THE COMMITTEE OF DONATIONS TO THE TOWN OF BOSTON.

Resolved that the Committee of Donations to the Town of Boston be allowed out of the public Treasury of this State, the Sum of £14.8.10 $\frac{3}{4}$ which Sum was expended in Supplying the Small Pox Hospital belonging to this State, and also the further Sum of £7.9 Expended on the Poor which belonged to this State, and also the further Sum of £127.17.5 $\frac{3}{4}$ Expended to Supply the Prisoners taken at Bunker Hill in the Year 1775, and the Treasurer is hereby directed to charge this last Article of charge to the Continent. [*Passed July 1.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 126.

Mass.
Archives,
ccxiv., 325, 326.

CHAPTER 139.

RESOLVE PROVIDING FOR THE PAYMENT OF BOUNTIES TO THE MEN RAISED FOR THE EXPEDITION TO ST. JOHNS RIVER.

Resolved That the Sum of eight Thousand two Hundred & fifty-Six Pounds be paid, by the Treasurer of this State, unto Brigadier-General Jonathan Warner, for the payment of the Bounties ordered by this Court to be paid to the two Regiments which are ordered to be raised for the Expedition to St' John's River in Nova-Scotia; he, said Warner delivering to the Several Muster-Masters appointed for this Service, such parts of said Sum, as he Shall judge necessary, & taking Bond of them Severally agreeable to the Resolve relative to this matter. Any Resolve of Court, empowering the Council to furnish said Muster-Masters with Money to pay said Bounties, to the contrary notwithstanding — Said Warner to be accountable for Said Sum. [*Passed July 1.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 126.
Mass.
Archives,
ccxiv., 323.

CHAPTER 140.

RESOLVE GRANTING £19 TO JOSEPH TRUMBLE.

Resolved that there be paid out of the Publick Treasury of this State the Sum of Nineteen pounds to Joseph Trumble to Enable him to pay the Doct^s Bill & defray the Necessary charges of his Sons Sickness. [*Passed July 1.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 127.
Mass.
Archives,
ccxiv., 324.

CHAPTER 141.

RESOLVE APPOINTING A COMMITTEE TO SUPERVISE THE PRINTING OF THE RESOLVES FOR 1776.

Resolved That William Cooper Esq. M^r Jonathan Hastings and Increase Sumner Esq^r, be a Committee to see that the Resolves of the General Court for the Year 1776 be printed agreeable to a late Resolve of said Court, without delay, and also to correct the Press — in the room of M^r Wendell, M^r Sewall and M^r Brown excus'd. [*Passed July 1.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 127.
Mass.
Archives,
ccxiv., 322.

CHAPTER 142.

RESOLVE TO ENCOURAGE THE MANUFACTURE OF CARD WIRE.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 128.
Mass.
Archives,
ccxiv., 351.

WHEREAS, it is necessary to the very existance of this free and Independant State that we encourage every usefull Manufacture among our Selves so as to preclude as far as Possible, any dependance upon foreign States for any Nessary Article; and as Wire for making Wooll Cards is necessary and large quantities thereof are much needed for this State Therefore

Resolved That there be granted out of the publick Treasury of this State to the Person or Persons who has erected or Shall erect within this State a Water Mill for drawing Card-Wire and shall therewith make out of Iron of the growth and Manufacture of this or any other of the united States of America the first thousand pounds weight of good merchantable Card Wire that shall be manufactured within this State by any one Such Mill as aforesaid of the Size commonly used in this State for making Wooll Cards, provided it be so made and disposed of to the inhabitants of this State for their use on or before the first day of January 1779, the Sum of one hundred Pounds as a Bounty; to ascertain which, the Person that shall be intitled to said Sum Shall make Solomn Oath or affirmation before some Justice of the Peace in the County wherein Such Wire shall be made that the said quantity of Wire of Said quality was made as aforesaid, Specifying the Town where made and the names of the persons to whom sold or by whom used within this State or remaining in the makers hands; also producing a Certificate under the hands of the Major part of the Selectmen and Committe of Correspondence &c of Such Town that they verily believe Such Wire was made as aforesaid And the Treasurer of this State for the time being such Proof being produced as aforesaid Shall pay such bounty as afore^{ed} to the Claïmer —

Also

Resolved that a bounty of seventy five Pounds be Granted, in manner as aforesaid to the person or persons who shall make the second like quantity of such Wire from another like Mill within this State and within said Term and Shall exhibit like proof of the Same — And that a bounty of Fifty Pounds be granted in like manner to the Person or Persons who Shall make the third like quantity of Such Wire from another like Mill within this State and within said Term and shall exhibit like proof of the Same. As in the former Cases: and upon Such proof as aforesaid the Treasurer of this State for the time being is directed to pay said Bounties in Like manner as is directed in the first foregoing Resolve, Provided always that said Wire be Sold to the Inhabitants of this State to be used for the benifit thereof. [*Passed July 2.*]

CHAPTER 143.

RESOLVE DIRECTING THAT THE CONTINENTAL CONGRESS BE INFORMED CONCERNING THE PROPOSED EXPEDITION TO ST. JOHNS RIVER.

In Council

Legislative
Records of the
Council,
xxxvii. (2nd
part), 129.

Resolved That Copies of what this Court have done relative to the Expedition to S^t John's River together with the most authentic accounts of the present Strength and Situation of our Enemies at Halifax and other Parts of Nova Scotia and the Gen-

eral Disposition of the Inhabitants of that Province, be immediately transmitted to Congress, accompanied with a Representation of the Motives of our Conduct and our inability to raise any further considerable Number of Men for that Service, and praying their Direction in the Premises, and that Joseph Palmer Esq^r be a Committee with such as the Hon^{ble} House shall appoint to report the Draft of a Letter to the Hon^{ble} Congress representing the Motives of this Court relative to said Expedition to s^t John's River in Nova Scotia —

In the House of Representatives

Read & Concurred and M^r Partridge and Col^o Orne are Join'd.
[*Passed July 2.*]

CHAPTER 144.

RESOLVE ALLOWING FULL PENSION TO MOSES WING.

ON THE REPRESENTATION of John Lucas Commisary of Continental Pansioners, in behalf of Mosses Wing, Late a Drumer in Cap^t Dimond Mortons Comp^y & in Col^o Knoxes Rigm^t of artilr^y —

Resolved that the said Mosses Wing is Intitled to a full Pension to Comence from the 31st day of Decem^r 1776. [*Passed July 2.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 130.
Mass.
Archives,
ccxiv., 346.

Mass.
Archives,
ccxiv., 347-
348½.

CHAPTER 145.

RESOLVE PROVIDING FOR THE REINFORCEMENT OF THE NORTHERN ARMY.

THE COMMITTEE of both Houses appointed to consider General Schuylers letter this day Received beg leave to Report the following Resolve.

ARTEMAS WARD p order

Resolved that the Brigadiers in the Counties of Hampshire and Berkshire, or in their absence the next commanding officers in Each County, be and hereby are directed, to muster and march such and so many of the Militia as is in their power to march in their respective Counties, under proper Officers, to Fort Edward or Fort Ann for the Reinforcement of the Northern Army, untill the same can otherways be supported, and the Council are desired to Issue their Orders accordingly.

In the House of Representatives

Read and accepted and

Ordered that the Officers & privates who shall march from either of said Counties in consequence of this Resolve or Order, or who have marched or shall march in consequence of General Schuylers Letter or information sent to either of those counties requesting their aid, to reinforce the American Army at or near Ticonderoga, shall be intitled to & paid the same Wages and Other allowances for the time they continue in service as the Officers and Privates were respectively paid or allowed who have heretofore on like occasions marched from said Counties for the defence of Ticonderoga.

In Council

Read & Concurred. [*Passed July 2.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 130.

Mass.
Archives,
ccxiv., 349, 350.

Mass.
Archives,
ccxvii., 207.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 128.

CHAPTER 146.

RESOLVE DIRECTING PELATIAH WEBSTER TO PAY THE NET PROCEEDS OF THE SALE OF SLOOP BETSEY INTO THE TREASURY.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 131.
Mass.
Archives,
ccxiv., 343.

ON THE PETITION of Pelatiah Webster for Liberty to pay the Nett Proceeds of the Sloop Betsey to Abiel Wood of Pownalborough or his Order,

Resolved that the said Webster be and hereby is directed to pay the Nett Proceeds of the said Sloop into the Treasury of this State, there to remain until the further Order of the General Court, and that the Receiver General upon receiving the Said Proceeds from Said Webster shall give him a Discharge for the same. [*Passed July 2.*]

Mass.
Archives,
ccxiv., 344, 345.

CHAPTER 147.

RESOLVE ON THE PETITION OF THEOPHILUS CLARK.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 132.
Mass.
Archives,
ccxxiv., 56.

ON THE PETITION of Thophilus Clark,

Resolved that their be allowed & Paid out of the Publick Treasury the Sum of Ten Pounds & Ten Shillings unto Said Thophilus Clark; which is in full for his wagers & acc^t; and the Treasu[re] of this State is directed to Pay the Saim. [*Passed July 2.*]

CHAPTER 148.

RESOLVE PROVIDING FOR THE EXCHANGE OF DR. BENJAMIN CHURCH.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 132.
Mass.
Archives,
ccxiv., 352.

WHEREAS it has been represented to this Court that Doctor M^cHenry now a prisoner with the British Troops will be immediately exchanged for Doct^r Benjamin Church on his being sent to New-York — Therefore

Resolved that the Honble Council of this State be And they are hereby desired to cause said Doct^r Church to be sent as soon as may be to Rhode-Island to be forwarded to New York in such way and manner as to the Council may seem fitt, in Order to be exchanged for said Doctor M^cHenry, and that said Church continue in confinement till put on board the Cartel vessel in which he may depart and that he be thoroughly searched to prevent his carrying any papers with him which may be detrimental to the American Cause. [*Passed July 2.*]

Mass.
Archives,
ccxiv., 353.
Province
Laws, xix.,
153, chap. 402.

CHAPTER 149.

RESOLVE ON THE PETITION OF NATHAN BEARD.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 133.
Mass.
Archives,
ccxxiv., 55.

ON THE PETITION of Nathan Beard Setting forth that He served as a Provincial Soldier in the Companies of Cap^t John Harnden and Sam^l Gridley during the Space of 3 Months and Some Days in the Year 1775, and being Sick when their Muster Rools were made up, he was made up 2 Month Short of what he ought to have been, Wherefore

Resolved That there be paid out of the publick Treasury of this State to the Petitioner the Sum of Four Pounds 3/ in full for Service in the S^d Capt^s Harnden's and Gridley's Companies in the Year 1775. [*Passed July 2.*]

CHAPTER 150.

RESOLVE PROVIDING FOR PAYMENT OF THOSE WHO MARCHED TO RHODE ISLAND AGREEABLE TO ORDER OF APRIL 12, 1777.

WHEREAS no Provision has been made by this Court for the Payment of the Wages due to those officers & Private Soldiers who march'd from the County of Bristol to the State of Rhode Island, for their Defence by Order of Council Dated April 12 1777, (except only the Bounty allow'd by this Court), & whereas for want of Orders to the Commanding Officer of the Continental Forces in this State, Payment for the said Service cannot be obtain'd from the Continental Pay Master, Therefore

Resolved That the several officers who march'd with their Company's agreeable to the foregoing Order of Council be allowed to exhibit their Rolls properly attested & vouched to the Committee for examining Muster Rolls, who are hereby empowered to examine & pass upon such Rolls, & the Treasurer of this State is hereby Order'd to pay the Sums which shall be found due on s^d Rolls, & charge the same to the Continental Account. [*Passed July 3.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 134.
Mass.
Archives,
ccxiv., 355.

Province
Laws, xix., 880,
chap. 1037.

CHAPTER 151.

RESOLVE ON THE PETITION OF WILLIAM FROST, LATE COMMISSARY AT FALMOUTH.

ON THE PETITION of William Frost Late Commissary at Falmouth praying for allowance for wood that he Suplyd the Solders with —

Resolved that the Board of war be Impowered to Sottel with William Frost for one hundred and Seven Cord and four feet and half of wood which he has suplyd the Soldars with. [*Passed July 3.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 134.
Mass.
Archives,
ccxiv., 357.

Mass.
Archives,
ccxiv., 358.

CHAPTER 152.

RESOLVE ON THE PETITION OF JOSEPH HOLMES & OTHERS.

ON THE PETITION of Joseph Holms John Holms and Thomas mahew who were Captured in the Brig Independance and after making thier Escape were at considerable Expence and Trouble to get home to thier Families, Being deprived of the benefit of thier wages.

Resolved that thier be Paide oute of the Publick Treusury the sum of six Pounds to each of the Petitioners to Innable them to Pay thier Expences from Hallafax to thier several Places of Residence in lieu of Rations. [*Passed July 3.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 135.
Mass.
Archives,
ccxiv., 359.

Mass.
Archives,
ccxiv., 360.

CHAPTER 153.

RESOLVE PROVIDING FOR THE REMOVAL OF CATTLE AND SHEEP FROM ISLANDS IN BUZZARDS BAY.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 136.
Mass.
Archives,
ccxiv., 354.

WHEREAS it has been represented to this Court, that there is a large number of Cattle and Sheep on Several of the Islands in Buzzards Bay known by the name of Elizabeths Islands, that Said Stock are owned by Some of the Inhabitants of the Town of Dartmouth and John Wing of Sandwich who neglect to remove Said Stock, and so long as they remain there, are Exposed to the ravages of the Enemies of the united States,

Therefore

Resolved that the Committe of Inspection and Safty in the Town of Dartmouth, are hereby Authorized and directed immediately upon their receiveing this Resolve, to acquaint Said owners with the Contents thireof, and in case Said owners refuse forth with to take off Said Stock, (by them respectively owned) from Said Islands, that then Said Com^{tee} are hereby directed to remove all, or so much of said Stock as to them may appear necessary, they keeping a particular account of the Numbers and Marks of Said Creatures. And it is further

Resolved that Said Com^{tee} make Sale of all the Stock by them so taken, att publick Vendue, they Observeing the Rules and directions of the law for the sale of personal Estate, taken by Collectors of Taxes, and to render an account of the proceeds of Said Sale, to this Court as soon as may be, unless the respective owners of said Stock consent to receive of said Com^{tee} the proceeds of said Sale, first deducting to Said Com^{tee} a reasonable reward for their time and Expences. [*Passed July 3.*]

CHAPTER 154.

RESOLVE DIRECTING THE SECRETARY TO EMPLOY A CLERK TO COPY RESOLVES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 137.
Mass.
Archives,
ccxiv., 361.

Resolved That the Secretary be and he is hereby directed to employ on the best Terms he can some faithful Clerk whose immediate Business it shall be to copy all Resolves that shall pass this Court, as soon as they shall pass, in order that they may be forthwith printed agreeable to the directions of Court.

And when such Clerk shall not be engag'd in this business that he be employed in the other Business of the Office. [*Passed July 3.*]

CHAPTER 155.

RESOLVE ON THE PETITION OF SOLOMON MUNROE.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 137.

ON THE PETITION of Solomon Munroe, praying for Allowance for Sundry Joiners tools by him Supplied this State—

Resolved That there be allowed and Paid out of the Treasury of this State to the Petitioner Solomon Munroe Five pounds fourteen Shillings and three pence in full of his account. [*Passed July 3.*]

CHAPTER 156.

RESOLVE MAKING AN ESTABLISHMENT FOR THE BOARD OF WAR.

Resolved that the Sum of twelve shillings per Day be allowed and paid to each Member of the Board of War for each Day they shall attend the Business of Said Board — And the Sum of ten shillings per Day to the Secretary of said Board for his service the ensuing Year. [*Passed July 3.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 138.
Mass.
Archives,
ccxiv., 363.

CHAPTER 157.

RESOLVE DIRECTING THE TREASURER TO PAY THE AMOUNT DUE ON THE MUSTER ROLL OF CAPT. BENJAMIN PHILLIPS' COMPANY.

Resolved That the Treasurer of this State, be and he is hereby empowered and directed to pay unto Cap^t Benjamin Phillips, the Sum due upon his Muster Roll, agreeable to a Warrant of Council of this Day, he the said Benjamin Phillips giving Bonds in the Sum of One Hundred Pounds to the said Treasurer, Conditioned for the said Phillips's procuring Certificates from the Select Men of the Towns of Deerfield, Conway & Ashfield, from whence the Men borne on the said Roll went, that they found their own Arms or have return'd the same, and file the same Certificates with the said Treasurer within the Term of three Months from this Date — any Resolve of this Court to the contrary notwithstanding. [*Passed July 3.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 138.
Mass.
Archives,
ccxiv., 364.

CHAPTER 158.

RESOLVE PROVIDING FOR PAYMENT OF MEMBERS OF STANDING COMMITTEES.

Resolved that the Members of the House of Representatives who are the present Year on either of the following standing Committees: Viz, of the Committee on Muster Rolls, Committee for giving out commissions, & committee on Accounts, shall be allowed and paid out of the Treasury of this State whilst they respectively continue engaged in the Business of Such Committee, five shillings a day for one half the number of Days, or not exceeding that number, they shall respectively attend the business of such committee or in the House during any session of the General Court, and be made up in the pay Roll for the Other half or remainder of the time of such Attendance — and that the Committee on Accounts allow all such accounts as shall be agreeable to this Resolve. [*Passed July 3.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 138.
Mass.
Archives,
ccxiv., 362.

CHAPTER 159.

RESOLVE DIRECTING THAT THE SCHOONER INDUSTRY AND CARGO BE RESTORED TO THE LATE OWNER.

THE COM^{TEE} of both Houses appointed to consider the Representation of the Com^{tee} of Correspondence Inspection Safty of the Town of Salem have attended that Service & ask Leave to Report —

Legislative
Records of the
Council,
xxxvii. (2nd
part), 121.

Mass.
Archives,
clxxxiii., 55, 56.
Mass.
Archives,
clxxxiii., 47-54.

That Cap' Richard Valpey mentioned in s^d Representation is an Inhabitant of the Town of Yarmouth in the County of Cumberland in the Government of Nova Scotia, the Inhabitants wherof have been great Sufferers By their attachment to the American Cause as is enpressed in a Resolution of Congress of the Sixth Day of May last, your Com^{tee} likewise find that the said Valpey hath frequently exerted himself to relieve & comfort American Prisoners making their Escape from Halifax in s^d Government —
Therefore

Resolved That the Schooner Industry lately taken by a Party of Cap' West's Company now in the Pay of this State at S' Johns River in Nova Scotia together, with her Cargo & Stores be immediately restored to the late Owner from whom she was taken, And the Committees of Correspondence &c of Machias and all other Persons concern'd are directed to carry this Resolution into Execution & the Navale Officer or Other Civil Officers are not to permitt the said Vessell to depart for Nova scotia 'till the further Order of this Court or of the Councill in the Recess.

In Council

Read & Accepted

In the House of Representatives

Read & Concurred. [*Passed July 4.*¹]

CHAPTER 160.

RESOLVE DIRECTING SAMUEL PHILLIPS & THOMAS CRANE, ESQ^{rs},
TO RECEIVE DEFECTIVE POWDER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 136.
Mass.
Archives,
ccxiv., 367-369.

WHEREAS some of the Gunpowder made at Andover & Stoughton, has been found defective, arising from a want of Sufficient experience in this new Manufacture; therefore

Resolved That Samuel Phillips & Thomas Crane Esq^{rs}, be, & they hereby are severally directed to receive into their respective Manufactories, all defective Powder which has been therein made, & to return to the State, as soon as possible a like quantity of good Powder; they to be accounted with by this State, for their re-manufacturing the same, in Such manner as the General Court may order.

Also

Resolved That William Burbeck Esq^r Inspector of Powder, be, & he hereby is directed to make experiments of divers mixtures and Ingredients for Gunpowder, & various methods of drying, & proving the same; & to report to this Court, his discoveries therein, as Soon as may be. [*Passed July 4.*²]

CHAPTER 161.

RESOLVE PROVIDING FOR THE APPOINTMENT OF OFFICERS TO COM-
MAND THE GUARDS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 139.
Mass.
Archives,
ccxiv., 366.

WHEREAS a resolve of this Court passed 14th June 1777, in Consequence of General Heath^s letter, that there be raised out of the militia of the Several Regiments in the Counties of Suffolk Worcester & middlesex Eighty Eight men including noncommis-
sion^d officers, to Gaurd the Stores &c And further

¹ This date is July 1 according to Legislative Records of the Council.

² This date is July 3 according to Legislative Records of the Council.

Resolved that one Captain & two Subalterns be appointed & Commissioned to Command the aforesaid Guards &c and Whereas the unnecessary multiplying of Officers is attended with bad Consequences — Therefore

Resolved That the Brigadiers of the Several Counties afores^d be and they hereby are directed to appoint one Captain & two Subalterns from the militia Officers in their Brigades, to Command the Gaurds aforesaid, agreeable to said resolve, any former resolve to the contrary notwithstanding. [*Passed July 4.*]

CHAPTER 162.

RESOLVE ADDING SAMUEL FREEMAN, ESQ., TO THE COMMITTEE
ON PRINTING THE RESOLVES FOR 1776.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 140.
Mass.
Archives,
ccxiv., 374.

Resolved That Samuel Freeman Esq be added to the Committee appointed to see that the Resolves of the General Court for the Year 1776 be printed without Delay &c. [*Passed July 4.*]

CHAPTER 163.

RESOLVE DIRECTING THE BOARD OF WAR TO APPLY TO GEN.
HEATH FOR CONTINENTAL STORES, &c.

THE COM^{TEE} of both Houses appointed to consider what further is necessary to be done in order to carry into effect the intended Expedition to S^t John's River in Nova-Scotia, report the following Resolve.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 140.
Mass.
Archives,
ccxiv., 376.

Resolved, That the Board of War be directed to apply to Maj^r General Heath, for all Such Continental Stores & Provisions as are necessary for the Service in the Expedition to S^t John's River in Nova-Scotia: And that the Board of War Supply any necessary Articles which General Heath cannot Supply.

Mass.
Archives,
ccxiv., 375.

In the House of Representatives

Read & accepted

In Council

Read & Concurred. [*Passed July 4.*]

CHAPTER 164.

RESOLVE VESTING THE COUNCIL WITH CERTAIN POWERS DURING
THE RECESS OF THE GENERAL COURT.

WHEREAS it may be of public Utility that until the next sitting of the General Court certain Powers should be vested in the Council other than those with which they are ordinarily clothed therefore

Resolved That the hon^{ble} Council during the recess of this Court & untill the next Sitting of the General Court be & hereby are fully authorized & empowered to nominate & appoint as Occasion may require such Commission Officers in any of the Land Forces, armed vessells or Vessells of War in the Service & Pay of this State & also in the Militia whose Places by Death or otherwise are vacant as to them shall appear necessary and put them

Legislative
Records of the
Council,
xxxvii. (2nd
part), 140.
Mass.
Archives,
ccxiv., 377.

under the Command of such other Officer or Officers as they shall judge proper.

And it is

Resolved that the Council during the recess aforesaid be & hereby are also impower'd & authorized to treat with any Indians that may arrive in this State & make such Provision for them as they may judge necessary.

And it is also

Resolved that the major part of the Council during that time shall have full Power & Authority to examine allow & pass upon the Pay Rolls of the Sea Coast men & their Commissaries Accounts & also the pay Rolls of the Militia who have been in Service, any Act or Resolve to the contrary notwithstanding & that any Seven of them be & they hereby are Impowered to grant Warrants upon the Treasury for the Payment of the same and the Treasurer of this State is hereby directed to pay any such Warrants. [*Passed July 4.*]

CHAPTER 165.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 141.
Mass.
Archives,
ccxiv., 378.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER PROVISION TO THE OVERSEERS OF THE POOR OF NEWBURYPORT.

ON THE PETITION of the Overseers of the Poor of the Town of Newburyport —

Resolved that the Board of War be and they hereby are directed to deliver to s^d overseers one Hundred & fifty Bushels of Indian Corn they paying for the Same. [*Passed July 4.*]

Mass.
Archives,
ccxiv., 379;
ccxxxiv., 57.

CHAPTER 166.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 142.
Mass.
Archives,
ccxiv., 381.

RESOLVE ON THE PETITION OF THOMAS DURFEE.

ON THE PITITION of Tho^s Durfee Esq^r —

Resolved that the Board of War be & hereby are directed to deliver to Tho^s Durfee Esq^r One hundred & fifty bushells of Corn for the Use of the poor of the Town of Freetown he paying for the same. [*Passed July 4.*]

Mass.
Archives,
ccxiv., 382;
ccxxxiv., 58.

CHAPTER 167.

ORDER APPOINTING A COMMITTEE TO SUPERVISE THE PRINTING OF BILLS OF PUBLIC CREDIT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 142.
Mass.
Archives,
ccxiv., 383.

Ordered That Cap^t Joseph Hosmer & Mr William Henry Prentice be a Committee to attend at Mr Hurds while he is striking off the Notes last orderd to be emitted by the General Court, in the room of M^r Wales and Maj^r Davis, excused —

Also

Ordered That Coll Israel Hutchinson be added to the Committee appointed to attend the Printing Press. [*Passed July 4.*]

CHAPTER 168.

RESOLVE ON THE PETITION OF WILLIAM GORDON.

THE COMMITTEE of both Houses appointed to take into consideration the within petition ask leave to report the following Resolve.

On the Petition of William Gordon, Clerk.

Resolved that he be & he hereby is permitted to file a Claim at the next Superior Court to be held at Boston in the County of Suffolk for & in behalf of Joseph Parker (said to be the) owner of a Vessel mentioned in said petition, and that he may then & there be heard by Council as thô he had filed his claim in usual manner and form; Provided said Gordon serve Doct^r Calef or his Attorney with an Attested Copy of this Resolve Seven days before the sitting of said Court; and should the said Vessel be decreed to be the property of any Inhabitant of great Britain; the s^d Court is hereby directed to order said Vessel so decreed into the hands of the agents for the middle District of this state, there to continue 'till the further order of the General Court.

In Council

Read & Accepted

In the House of Representatives

Read and concurred. [*Passed July 4.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 143.
Mass.
Archives,
clxxxiii., 77.
Mass.
Archives,
clxxxiii., 76.

CHAPTER 169.

APPOINTMENT OF CAPT. BENJAMIN KIMBALL AS PAYMASTER OF COL. M^cCOBB'S REGIMENT.

Resolved that Cap^t Benjamin Kimball be and he hereby is appointed Pay-Master for the Regiment to be rais'd for the Expedition to Nova Scotia under the command of Coll M^cCobb. [*Passed July 4.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 144.
Mass.
Archives,
ccxiv., 384.
Mass.
Archives,
ccxiv., 385.

CHAPTER 170.

RESOLVE ENTITLING PERSONS TO RECEIVE INTEREST ON NOTES ISSUED IN 1775.

WHEREAS the General Court by their Resolve of the eighth of May last making provision for the redemption of the Notes Issued in consequence of a Resolve of the late Congress of this State of the third day of May 1775, ordered "that all Interest on said Notes payable the first of June 1777 after that time cease and no longer be payable" and as sufficient provision has not been timely made for redeeming or exchanging said Notes in the Manner pointed out in said Resolve of the eighth of May last and it appearing reasonable that the Possessors of such notes should not suffer thereby — it is therefore

Legislative
Records of the
Council,
xxxvii. (2nd
part), 145.
Mass.
Archives,
ccxiv., 386.

Resolved that any Person possessed of any such Note and presenting the same for payment or to be exchanged before the first Day of September next shall be entitled to receive Interest thereon to the time of such presentment: And Interest shall be allowed on all notes presented after the said first Day of September next to that day & no longer any former Resolve to the contrary notwithstanding — And it is further

Resolved that Increase Sumner Esq^r be of the Committee to countersign the notes which may be issued in consequence of the Resolve of the eighth of May aforesaid in the room of M^r Henry Hill excused. [*Passed July 4.*]

CHAPTER 171.

RESOLVE TO ENCOURAGE THE MANUFACTURE OF SALT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 145.
Mass.
Archives,
ccxiv., 387.

Resolved that there be paid out of the Treasury of this State a Bounty of three Shillings p^r Bushel for each and every Bushe[l] of good merchantable salt made and sold within this State produced from sea-water only, over and above what the manufacturer thereof shall need for his and his dependants private consumption, from and after the tenth day of July instant untill the first day of January next: and two Shillings p^r Bushel for each and every Bushell of the like salt made & sold as aforesaid from & after the first day of January next untill the first day of January A.D. 1779, said Bounty to be paid to the manufacturer thereof, he making Oath before some Justice of the Peace within the same County where said salt shall be manufactured, or before the Clerk of such Town where no such Justice dwells, to the Quantity of good merchantable salt he has made & sold within the State as aforesaid, and also that he has not received, any Certificate therefor, and the said Justice or Clerk Certifying of his taking the Oath aforesaid. [*Passed July 4.*]

CHAPTER 172.

RESOLVE FOR PAYMENT OF MEMBERS OF THE BOARD OF WAR.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 141.
Mass.
Archives,
ccxiv., 380.

Resolved that there be paid out of the Publick Treasury to the Several Members of the Board of War, the Sum of Twelve Shillings p^r Day each for each Days Attendance upon the Business of that Board, since their Appointment. [*Passed July 4.*]

CHAPTER 173.

RESOLVE FOR RETAINING DR. BENJAMIN CHURCH IN CUSTODY.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 147.
Mass.
Archives,
clxxxiii., 86.

UPON THE PETITION of a number of Inhabitants of the Town of Boston & other Towns within this State praying that D^r Benj: Church may not be permitted to go in the Cartel now about sailing for Rhode Island.

Mass.
Archives,
clxxxiii., 81.

Resolved that the Sheriff for the County of Suffolk be & he hereby is impowered & directed to retain the s^d D^r Church in safe Custody untill the further Order of this Court any previous Resolve or Order to the contrary notwithstanding — & that the hon^{ble} Council be requested to transmit to the hon^{ble} Continental Congress the Letter from Josh: Loring Commissary of Prisoners at New York proposing an Exchange of the s^d D^r Church for a D^r M^r Henry now a Prisoner with the Enemies of these States & to request the Direction of Congress upon it. [*Passed July 5.*]

CHAPTER 174.

RESOLVE FOR SUPPLYING NAVAL OFFICERS WITH BLANK REGISTERS.

Resolved That the President of the Council be and hereby is impowered and desired to sign Blank Registers for the Use of the Naval Officers in this State — agreeable to the Form establish'd by this Court — And the Secretary is directed to fix the Seal of the State thereon and sign the same and deliver a suitable number to each Naval Officer that may apply therefor, without Fee or Reward, until the farther Order of Court. [*Passed July 5.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 147.
Mass.
Archives,
ccxiv., 398.

CHAPTER 175.

RESOLVE DIRECTING THE SECRETARY TO DELIVER THE RECORDS OF THE COMMITTEE OF SAFETY TO REV. WILLIAM GORDON.

Resolved That the Secretary of this State be, & he hereby is directed to deliver to the Rev^d Doctor William Gordon, all the late Com^{tee} of Safety's Papers, now in the Secretaries Office, he taking a Receipt for the Same. [*Passed July 5.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 148.
Mass.
Archives,
ccxiv., 399.

CHAPTER 176.

RESOLVE FOR SUPPLYING EPHRAIM LAWRENCE WITH SALTPETRE.

Resolved that this State Supply Ephraim Lawrence with Two Tons of Saltpeter, to be Manufactured into Good Gun Powder he finding the Other Materials, and to Deliver the Produce thereof to the Commisary General or at any Place Where this Court Shall order — And that he be Allowed and Paid out of the Treasury of this State Eight pence for Every pound of Good Powder so manufactured and Delivered Giving Bond for the Performance of the Same. [*Passed July 5.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 148.
Mass.
Archives,
ccxiv., 401.
Mass.
Archives,
ccxiv., 402.

CHAPTER 177.

RESOLVE DIRECTING COL. CRAFTS TO ENGAGE MEN FOR SERVICE AT HULL.

WHEREAS the time for which the Ninety men Engaged Who Were Inlisted out of the Militia of the Town of Boston to Do Duty in Col^o Crafts Regiment for two Months is near Expiring and it Being Necessary that the Number of men Stationed att Hull Should not Be lessened att this time —

Therefore

Resolved that Col^o Thomas Crafts be and hereby is Directed to Indeaavor to Engage the Ninety men afore Said to Continue in the Service of this State and do duty in his Regiment at Hull for the term of two months from the time they are now Engaged for unless sooner discharged and to assure them they Shall be Intitled to the Same Pay and Subsistence that they were and are now Intitled to for the Last two Months, In Case any of the

Legislative
Records of the
Council,
xxxvii. (2nd
part), 149.
Mass.
Archives,
ccxiv., 400.

aforesaid men Shall not incline to Continue any Longer time in Service then the Said Crafts to indeavor to Make up the Number of Ninty men by Engaging any other Persons belonging to the Regiment of Militia in the Town of Boston not now in the Pay of this State for the Service aforesaid. [*Passed July 5.*]

CHAPTER 178.

RESOLVE ALLOWING PENSIONS TO JOHN ROPER, JOSHUA WINN AND BENJAMIN INGERSOL.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 149.
Mass.
Archives,
ccxiv., 383.

ON THE REPRESENTATION of John Lucas Commisary of Continental Pansioners in behalf of John Roper, Late a Gunner on Board the Congress Galley on Lake Champlain, in behalf of Joshua Winn, Late a Soldier in Cap^t Kimballs Comp^y & Col^o Nixons Rigm^t and in behalf of Benj^a Ingersols, Late A Metross in Cap^t Edward Burbecks Comp^y & Col^o Hen^y Knoxes Rigm^t of Artillery —

Mass.
Archives,
ccxiv., 389-397.

Resolved That Each of the above Persons, Viz. John Roper, Joshua Winn, and Benj^a Ingersol, Are Intiteled to a full Pansion. [*Passed July 5.*]

CHAPTER 179.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO DELIVER SALT TO PETER R. LIVINGSTON FOR THE USE OF THE STATE OF NEW YORK.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 150.
Mass.
Archives,
ccxiv., 417.

THE COMMITTEE of both Houses to whom the within Petition was referred beg leave to report the following Resolve —

T CUSHING p order

On the Petition of Peter R. Livingston —

Mass.
Archives,
ccxiv., 418.

Resolved That the Commissary General be and hereby is directed to deliver to M^r Peter R Livingston or order one half the Salt he now has, in his Possession belonging to this State, the whole quantity being fifteen hundred Bushells, he paying for the same the regulated price.

In Council

Read & Accepted

In the House of Representatives

Read & concurr'd. [*Passed July 5.*]

CHAPTER 180.

RESOLVE IMPOWERING THE CONTINENTAL AGENTS TO GIVE CERTIFICATES OF TRANSPORTATION.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 150.
Mass.
Archives,
clxxxiii., 42.

THE COMMITTEE of both Houses to whom the within Memorial was referred beg leave to report the following Resolve —

T CUSHING p order

On the Petition of Samuel Barrett & Co —

Mass.
Archives,
clxxxiii., 41;
ccxiv., 96.

Resolved that M^r Sam^l Barrett & M^r Charles Miller Continental Agents for Supplying the American Army be and hereby are Impowered to give Certificates for the Transportation of Stores belonging to the Continent, by land to the Army and the selectmen and Committees of Coresspondence &c of the several Towns

within this State are hereby directed and required to suffer said Stores to pass unmolested, upon such a Certificate being produced from Either of the Agents abovementioned.

In Council

Read & Accepted.

In the House of Representatives

Read & concurred. [*Passed July 5.*]

CHAPTER 181.

RESOLVE ON THE PETITION OF SUSANNA DASTUGE.

ON THE PETITION of Susanna Dastuge seting forth that there is a quantity of goods in the hands of Cap^t Robert Robins the property of your Petitioner & her Copartner Cynthia Wilkinson, unaccounted for to said Petitioner & her Copartner, and that by the absence of her Husband Bernard Dastuge & not being impowered by him she is not able to institute & prosecute to final Judgment any action for the recovery thereof —

Resolved That the Prayer of the Petition be granted and that the Petitioner Susanna Dastuge be & she hereby is empowered in the name and behalf of her Husband Bernard Dastuge to join with her Copartner, Cynthia Wilkinson, to bring forward and prosecute in any Court of Law to final Judgment & Execution, any Action or Actions against the said Robert Robbins & any other Persons concern'd in withholding her Goods & Effects, as fully as tho' her said Husband was personally present. [*Passed July 5.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 151.
Mass.
Archives,
clxxxii., 374.

Mass.
Archives,
clxxxii., 369-
373. Legisla-
tive Records
of the Council,
xxxvii. (2nd
part), 134.

CHAPTER 182.

RESOLVE ON THE PETITION OF STEPHEN SMITH.

ON THE PETITION of Stephen Smith praying for a quantity of Corn for the use of the people of Machias.

Resolved That the Board of War be and they hereby are order'd to deliver to the said Stephen Smith two hundred bushels of Corn he paying for the same, and engaging to deliver it to the Families of such Persons as have gone or shall go to S^t Johns as Soldiers in the Service of this State, whom he shall judge stand in most need of the same, at the prime cost & necessary charge of it. [*Passed July 5.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 152.
Mass.
Archives,
ccxiv., 403.

Mass.
Archives,
ccxiv., 404.

CHAPTER 183.

RESOLVE PROHIBITING PERSONS COMMITTED FOR COUNTERFEIT- ING FROM FURNISHING BAIL EXCEPT BY SPECIAL CONSENT.

Resolved that no person who stands committed to any Gaol within this State for counterfeiting any Notes, Certificates, Bills of Credit, Lottery Tickets or any Coin current within this State, or advising thereto, or passing or uttering the same knowing them to be counterfeit, contrary to the Laws of this State in such Cases made; or that hereafter shall stand charged and committed for any of the Offences aforementioned, shall be lett to Bail without the consent of the General Assembly or in the recess thereof of the Council first had and obtained, Any Law Usage or Custom to the Contrary notwithstanding. [*Passed July 5.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 154.
Mass.
Archives,
ccxiv., 412.

CHAPTER 184.

RESOLVE DIRECTING THE TREASURER TO PAY MOSES GUNN THE AMOUNT DUE ON MUSTER ROLLS OF CAPT. JOSEPH SLARROW AND LIEUT. JOHN TRASK.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 155.
Mass.
Archives,
ccxiv., 411.

Resolved that the Treasurer of this State be and he hereby is directed to pay unto Moses Gunn Esq^r the Sums due on the Muster Rolls of Cap^t Joseph Slarrow and Lieu^t John Trask, agreeable to Warrants of the Council of the 2^d of July ins^t, he the S^d Moses Gunn producing their orders to receive the Same, & giving Bond in the Sum of Two hundred Pounds to the S^d Treasurer, conditioned for the S^d Moses Gunn's procuring certificates from the Select Men of the Towns of Sunderland, Montague, Northfield, Warwick, Leverett, Shutesbury, New-salem and the Com^t of Correspond^d on the Plantation called Ervingshire, from whence the Men born on S^d Rolls marched, that they found their own Arms or have returned the Same: and file the Same Certificates with the S^d Treasurer, within three Month from the Date hereof, any Law of this Court notwithstanding. [*Passed July 5.*]

CHAPTER 185.

RESOLVE DIRECTING THE TREASURER TO PAY THOMAS LOYD THE AMOUNT DUE ON CAPT. AARON COE'S MUSTER ROLL.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 155.
Mass.
Archives,
ccxiv., 410.

Resolved that the Treasurer of this State be and he Herby is Direct'd to pay unto Thomas Loy'd the Sum Due on The Muster Role of Cap^t Aron Coc, Agreeable to Warrent of the Council of the second of July Inst, The Said Thomas producing their Orders & giving bonds to The Said Treasurer for the Sum of one Hunderd pound^s Lawful Money Condition'd for the Sd Thom^s Loy'd producing Certificates from the Select Men of the several Towns To which the men Born on Sd Rolls be[longed]¹ That They found their [ow]n¹ Arms [or]¹ have Return'd the same and file '[t]he¹ sam[e]¹ Certificates with the sd Treasurer within Three Months from the Date herof any Law of This Court notwithstanding. [*Passed July 5.*]

CHAPTER 186.

APPOINTMENT OF DUDLEY COLMAN AS LIEUTENANT COLONEL OF COL. WIGGLESWORTH'S REGIMENT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 156.
Mass.
Archives,
ccxiv., 407.

In the House of Representatives
The House made choice by ballot of Dudley Colman as Lieut. Coll. of Coll. Edward Wigglesworth's Regiment, in the room of Lieut. Coll. Nathan Fuller, who has resign'd.

In Council
Read & Concurred. [*Passed July 5.*]

¹ Inserted from Legislative Records of the Council.

CHAPTER 187.

RESOLVE DIRECTING THE BOARD OF WAR TO IMPORT NECESSARY SUPPLIES FOR THE TROOPS.

THE COMMITTEE appointed to enquire what Part of this State's Quota of the Continental Army is raised — whether the Resolve for draughting men has been complied with — what the nature of our Engagements with our Soldiers is — how they are complied with & what is necessary further to be done — reported as follows viz

That upon Examination of the Returns from the muster masters at the Secretary's Office they find that 6396 men, including ab^t 40 Drafts, have been raised for the 15 Battalions, 235 men not arranged, 510 men for Col^o Crane's Reg^t of Artillery & 91 men for Col^o Lee & Jackson's Reg^t — they also find by Returns from Col^o Bradford, Putnam & Alden 386 men not yet ret^d by the muster masters into the Secretary's Office, including 30 Drafts arrang^d in Col^o Putnam's Reg^t, making in all 7588 men.

The Committee do not find by any Returns made that more than 80 men have been produced by the Order for a Draught made by the late General Court.

The Committee find by an Address from the late House of Representatives to the People of this State of the 26^t Jan^y, 1777, that there was by Implication at least a Promise to such Persons as sh^d inlist for this State into the Continental Service, that they sh^d be supplied with the necessary & convenient Articles of Life at the Price stipulated in the Bill against Monopoly & Oppression — & that the Grants made to the Committee of Supplies are yet inadequate to the Completion of this Engagement —

Whereupon,

Resolved that the Board of War be & they hereby are directed to make immediate Exertions for importing into this State such Quantities of Rum, Sugar, Molasses, Coffee, Cocoa & Cotton as they judge will be wanted from Time to Time for the Supply of the Troops raised by this State for it's own, or for the Service of the United States — & the Board of War are directed to deliver to the Committee of Supplies from Time to Time such of the above Articles & any other in their Possession which s^d Committee may want & the Board of War judge they can spare.

In the House of Representatives

Read & accepted

In Council

Read & Concurred. [*Passed July 5.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 157.
Mass.
Archives,
ccxiv., 414.

Mass.
Archives,
ccxiv., 414a.

CHAPTER 188.

RESOLVE ON THE PETITION OF THE SELECTMEN AND COMMITTEE OF CORRESPONDENCE OF FREETOWN.

THE PETITION of the Selectmen, Committe of Correspondence, Safety &c of the Town of Freetown —

Resolved that the Brigadier of the County of Bristol be & he is hereby impowered & directed to Inlist or draught Twenty men Viz one Lieu^t, one Sergeant, one Drummer & Seventeen privats for the purpos mentioned in their petition, to serve for the space of three months unless sooner discharge^d, that S^d officers & Soldiers Shall be on the Same Establishment that the Sea Coast men are on in this State. [*Passed July 5.*]

Legislative
Records of the
Council,
xxxiii. (2nd
part), 158.
Mass.
Archives,
ccxiv., 415.

Mass.
Archives,
ccxiv., 416.

CHAPTER 189.

RESOLVE DIRECTING THAT RETURNS BE MADE OF THE MEN
DRAFTED OR ENLISTED TO SERVE IN THE CONTINENTAL
ARMY.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 159.
Mass.
Archives,
ccxiv., 405.

WHEREAS several Colonels of the Militia in this State have wholly neglected to make Returns of the Names & Numbers of the Men enlisted or Draughted from the several Towns & Companys within the Limits of their Respective Regiments, & many others have made Returns by no Means answering the Purposes designed by the Resolves of the late General Court requiring such Returns.

Therefore

Resolved That the several Colonels, or commanding Officers of the Regiments of Militia within this State, who have not strictly complied with the Order of the late General Court requiring an Exact Return of the Men inlisted or draughted into the Continental Service agreeable to a Resolve of the said Court pass'd on the 10th of May last, be & hereby are strictly enjoyned and required forthwith to send forth their Orders to their several Captains to comply with the said Resolve of y^e 10th of May last, & that the said Colonels or Commanding Officers of the said Regiments who have been deficient as aforesaid do make a Return unto the Secretarys Office of this State by the first Monday of the next Session of this Court, — And wheras by a Resolve of this Court of 30th of April last it is declared that any Person drafted & duly notified who does not in forty Eight Hours procure an able bodied effective man in his Room to y^e acceptance of those who drafted him, or within said Time pay a fine of ten pounds, Shall be consider'd as a Soldier in the Continentall army untill the tenth of January next to every Intent & Purpose — It is therefore

Resolved That the Collonel or commanding Officer of each Regiment in this State make a Return to Gen^l Heath of all such Persons who were drafted as aforesaid & have not complied with said Resolve nor plead their Inability to the Selectmen & Committee &c who drafted them, That he may, & he hereby is impowred to annex them to such Regiments as he may think proper, And that the Secretary be & he is hereby directed to procure a sufficient number of these Resolves printed in Hand Bills and transmit a number of the same to each Brigadier or Commanding Officer in each County — And also that he cause the same to be printed in the Public News Papers. [*Passed July 5.*]

CHAPTER 190.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 155.
Mass.
Archives,
ccxiv., 409.

RESOLVE ADDING CAPT. THOMAS BROOKS TO THE COMMITTEE ON
MUSTER ROLLS.

Resolved that Cap^t Thomas Brooks be and hereby is added to the Committee for examining muster Rolls. [*Passed July 5.*]

CHAPTER 191.

RESOLVE GRANTING A NEW TRIAL IN THE CASE OF THE BRIGANTINE EUNICE THAT HAD BEEN ADJUDGED A PRIZE.

ON THE PETITION of John Brown praying for the rehearing of a Cause respecting the Brigantine Eunice.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 160.

Mass.
Archives,
ccxiv., 244,
245, 316.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 97, 117,
124, 137.

Resolved That the Prayer of said Petition be granted, and that a new Trial be had on the said Brigantine Eunice and her Cargo, at the next Superior Court of Judicature &c, to be held at Boston within and for the County of Suffolk on the last Tuesday of August next, and that all proceedings be had thereon in the same manner, as though the said Cause had been regularly brought forward to said Court in the Ordinary course of Law; that the Sales of said Vessel & Cargo, and all Proceedings thereon in Consequence of any former Judgment, be stayed, and that the said Mungo Mackey and Thomas Adams, Agents for the Owners of the Privateer Ship Boston, William Brown, Master and Agent for the Captors of said Brigantine Eunice, be served with a Copy of this Resolve, Fifteen Days at least before the Tryal, And that an Attested Copy of this Resolve be filed with said Court on the first Day of their Session, and the Justices of said Court are hereby directed to take Notice of, and proceed upon it accordingly. [*Passed July 7.*]

CHAPTER 192.

RESOLVE DIRECTING BOARD OF WAR TO FURNISH STEPHEN SMITH, TRUCKMASTER AT MACHIAS, WITH MONEY TO PURCHASE REQUIRED SUPPLIES.

WHEREAS it appears to this Court that the Board of War have not in their Possession all the necessary Articles with which they are order'd to supply Stephen Smith, Truckmaster at Machias for the Indians in our Interest, & it being probable that the s^d Smith might supply himself with the deficient Articles if he was furnished with Money — therefor

Legislative
Records of the
Council,
xxxvii. (2nd
part), 161.
Mass.
Archives,
ccxiv., 425.

Resolved that the Board of War be, & they hereby are empowered & directed to furnish the s^d Smith with what Money they judge necessary for the purpose afores^d taking his Rec^t to be accountable for the same. [*Passed July 7.*]

CHAPTER 193.

RESOLVE PROVIDING THAT PLANTATIONS BE SUPPLIED WITH COPIES OF THE LAWS AND RESOLVES.

Resolved That the Committee appoint^d to agree with some Person to print the Resolves of Court, be & hereby are directed to order an additional number to be printed, sufficient to supply the several Plantations in this State — And that the s^d Plantations be supplied with the Laws likewise. [*Passed July 7.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 161.
Mass.
Archives,
ccxiv., 426.

CHAPTER 194.

RESOLVE PROVIDING FOR THE ESTABLISHMENT OF A BOARD OF WAR AND DEFINING POWERS AND DUTIES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 162.
Mass.
Archives,
cxlii., 81, 84-87.

Mass.
Archives,
cxlii., 81-83.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 81, 165.

THE COMMITTEE of both Houses appointed to revise the Commission given to the Board of War the last Year, have attended that Service, & beg leave to report the following as a Commission for the Board of War that may be chosen for the present Year.

which is Submitted

THOMAS CUSHING p order

Whereas the present exigencies of our affairs, and the war we are by the injurious, and cruel conduct of Britain forced into for the defence of every thing dear to us, make it necessary that we shou'd adopt the best measures for conducting the war with the greatest secrecy, dispatch and economy —

It is therefore

Resolved that nine persons be appointed by joint ballot of both Houses of Assembly, as a Committee under the Title of a Board of War; who shall keep in Boston, or such other place, or places, as the General Court may order, or the said Board shall find necessary, a public office for the purposes hereafter mentioned; and continue as a Committee for those purposes untill the Twentieth Day of June in the year of our Lord One Thousand Seven Hundred and Seventy Eight, and untill others shall be appointed in their place and stead; (subject nevertheless, to a discharge at any time, by the General Assembly of this State): Whose business it shall be, and they, or the major part of them, are hereby empowered to procure or purchase, or cause to be procured or purchased, Provisions, Cannon, Arms, Amunition, Cloathing and all other Articles necessary for carrying on the war by Sea and Land; for which purpose, they may take up, or purchase, load, and fit out with suitable cargoes, such vessels as shall appear to them proper for importing such articles, as they shall judge necessary to be imported into this State, or from one part to another thereof — And [all A]rticles¹ of every kind which they shall procure or purchase as [afo]resaid,¹ they are hereby empowered to lodge or store in such places [as]¹ they shall judge most safe, and convenient, and may from time to time apply such part thereof to the purposes within their commission, as they deem necessary for the execution of their office — And the said Board of War are hereby further empowered and required to repair, victual, man, arm, fit out, and completely equip for Sea, all armed vessels, or vessels of war, owned or employed by this State; and the said Board may also from time to time command order and direct all the operations and cruises of such vessels, subject however to the controule of the General Assembly, or in the recess thereof, to the Council, or the supreme Executive Authority of this State, for the time being, & also receive this States proportion of all the prizes that may be taken & sent into port by any Armed Vessell or Vessells of Warr of this State, prosecute the Tryal to Condemnation thereof & dispose of the same as the Gen^l Court shall hereafter direct, excepting such Articles as may be in a perishing Condition or may be wanted for the use of this State, the Amount of which they are hereby directed to pay into the Treasury of this State, taking two Receipts of the Treasurer for the same, One of which they are to Lodge in the Secretarys Office; & they are also Impowered to Substitute attorneys at Law to appear in behalf of this State at

¹ Inserted from Legislative Records of the Council.

the aforesaid Tryal and Condemnation; Provided Always That the said Board of War shall not expend any other or greater sums of money in the execution of their office, than shall from time to time be granted by the General Assembly for that purpose, and when any sum of money so granted shall be appropriated to any special purpose the same shall not be otherwise expended — And the said Board of War shall answer and obey all drafts or orders for articles in their possession, which shall be made by the Council, or the Supreme Executive Authority of this State, for the time being, in pursuance of, and to enable them effectually to carry into execution, the powers, rights and authorities which they now have vested in them, or which may at any time be given to them for the greater Safety of the Commonwealth.

And it is further

Resolved that the Commissary of this State shall make such returns to [said]¹ Board of War, without delay as they shall from time to time require — And said Board of War shall keep in Books for that purpose provided, fair entries of all orders issued by, and returns made to them; and also of all their proceedings; and of all the Military and Warlike Stores and provisions the property of this State which shall come to their hands or be under their care or direction; together with the places where the same shall be deposited; and shall make return thereof unto the General Assembly, Council or Supreme Executive Authority of this State, for the time being, when thereunto required — And the said Board of War, shall produce their Books and render an account of their doings in said Office to the General Assembly, when, and so often as, they shall be called upon for that purpose, and shall stand accountable to the General Assembly for the expenditure of all monies by them received — And the said Board of War are hereby impowered to hire or if need be to impress any Horses, Cattle, Teams and Carriages, or boats, and any articles they shall need for the execution of their business or Office.

And it is further

Resolved that any Five, and not less, of said Board of War, shall be a Quorum, and vested with full powers to act in all Cases, and their doings shall be as valid in all respects as if the whole were present.

And it is further

Resolved that a Secretary, and if need be, one or more Clerks to said Board of War may be appointed by them, which Secretary (among other things) shall take an account of the attendance of each member of the Board; and such Secretary or Clerks shall before they enter upon their respective Offices take the following Oath, or if a Quaker, shall affirm in the words thereof: which oath or affirmation shall be administered by the Chairman of the Board of War who is hereby impowered to administer the same; and a Certificate thereof shall be filed in said Office, viz.

You *A B* do solemnly swear (or affirm)¹ that you will not directly or indirectly divulge any matter or thing which shall come to your knowledge as Secretary (or Clerk) of the Board of War established by the State of Massachusetts-Bay, and which said Board shall direct to be kept secret, without the leave of the Board of War, or by the direction of the General Assembly: and that you will faithfully execute your said Office according to the best of your Skill and Judgment, so help you God (or this you affirm upon the pains and Penalties of Perjury).

And be it further

Resolved that the Members of said Board of War, their Secretary

¹ Inserted from Legislative Records of the Council.

and Clerks shall receive such allowance for their respective Services as the General Assembly shall order.

In Council

Read & Accepted

In the House of Representatives

Read & Concurred. [*Passed July 7.*]

CHAPTER 195.

RESOLVE DIRECTING THE BOARD OF WAR TO TAKE CHARGE OF THE PRIZE BRIG FRIENDSHIP.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 165.
Mass.
Archives,
ccxiv., 424.

Resolved that the Board of War be & they hereby are impower'd & directed to [take]¹ into their Custody the Prize Brigg Friendship & her Cargo, taken by the Massachusetts, Cap^t Fisk, & now in Broad Bay & to give such Directions concerning them as they shall judge most conducive to the public Service. [*Passed July 7.*]

CHAPTER 196.

RESOLVE ALLOWING A PENSION TO AMOS BUTTRICK.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 165.
Mass.
Archives,
ccxiv., 419.

ON THE REPRESENTATION of John Lucas, Commisary of Continential Pansioners, in behalf of Amos Buttrick, Late a Soldier in Cap^t Simon Hunts Comp^y & in Col^o Eleaz^r Brooks^s Rigm^t —

Mass.
Archives,
ccxiv., 420-422.

Resolved That the said Amos Buttrick is Intitled to a Full Pension to Comence from the Last day of November, 1776. [*Passed July 7.*]

CHAPTER 197.

ORDER ON THE PETITION OF SAMUEL BROWN, JUN., AND OTHERS OF STOCKBRIDGE.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 166.

ON THE PETITION of Samuel Brown jun^r and others of Stockbridge,

Ordered that the Petitioners notify the Nonpetitioners to shew Cause, if any they have, why the Prayer thereof should not be granted on the second Tuesday of the next meeting of this Court, by leaving an attested Copy of this Petition & the Order thereon, fourteen Days before the second Tuesday, with one of the said Nonpetitioners. [*Passed July 7.*]

CHAPTER 198.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO APPRAISE AND SELL EFFECTS OF ABSENTEES.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 153.
Mass.
Archives,
ccxiv., 430.

WHEREAS there is in the hands of the Committee of Sequestration a number of scythes & sickles and a quantity of crockery Ware [&]¹ Houshold Furniture which were left in the Town of Boston by sundry persons who fled from said Town with our Enemies, which articles are immediately wanted by the Inhabitants of this State —

Mass.
Archives,
ccxiv., 423.

¹ Inserted from Legislative Records of the Council.

Resolved therefore that the Committee of Sequestration be and hereby are directed to take an exact Inventory of the Scythes & sickles and Crockery Ware [&] Houshold Furniture above mention'd, specifying particularly to whom they belonged, and to appraise the same as they shall Judge Equitable & Just; and that they sell the same immediately agreeable to y^e apprizement to such Persons only as want them for their own immediate use, & keep an account of all the Persons names to whom they may be sold & the price they were sold at; and the said Committee are hereby ordered and directed to pay the money they may receive for the said articles in to the Public Treasury of this State, taking two receipts one of which to be Lodged in the Secretary's office. And the said Committee are hereby directed to Suspend the Sale and delivery of any other Articles (now in their hands or under their Care) that belonged to Persons who fled from the Town of Boston with our Enemies, untill the further order of this Court any Resolve or order of this Court to the contrary notwithstanding. [Passed July 8.¹

CHAPTER 199.

RESOLVE RELATIVE TO MEN THAT ENLIST INTO COL. HENDLY'S REGIMENT.

Resolved that all such men as may Inlist as noncommissioned officers & private soldiers into the Continintal Regiment to be Commanded by Col Hendly shall be Considered as part of the proportion of each town for which they shall be so Inlisted. [Passed July 8.²

Legislative
Records of the
Council,
xxxvii. (2nd
part), 167.
Mass.
Archives,
ccxiv., 427.

CHAPTER 200.

RESOLVE ON THE PETITION OF TIMOTHY EDWARDS AND OTHERS.

Resolved that the Receiver Gen^l of this State be directed to receive of Timothy Edwards, Samuel Brown Jun^r & Jahleel Woodbridge Esq^{rs} the Sum of Five Hundred Pounds Lawful Money, being part Payment for Fire Arms, Powder & Ball received of the Commissary General of this State by Order of the Gen^l Court in October last, to be by them disposed of in the County of Berkshire, & that he give Duplicate Receipts for the Sum he shall receive, they remaining accountable for the residue — one of Said Receipts to be by them lodged with the Secretary. [Passed July 8.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 167.
Mass.
Archives,
ccxiv., 432.
Mass.
Archives,
ccxiv., 433.

CHAPTER 201.

RESOLVE DIRECTING THE RECEIVER GENERAL TO RECEIVE £200 THAT HAD BEEN ALLOTTED FOR PAYMENT FOR BOUNTY COATS OR EQUIVALENT IN MONEY.

UPON THE PETITION of Timothy Edwards, Esq^r, praying that the Receiver General of this State may be directed to Receive of him & Samuel Brown, Jun^r, Esq^r, the sum of two Hundred Pounds Lawful Money which they have in their Hands over & above what they suppose will be necessary to enable them to pay for

Legislative
Records of the
Council,
xxxvii. (2nd
part), 168.
Mass.
Archives,
ccxiv., 434.
Mass.
Archives,
ccxiv., 435.

¹ This date is July 5 according to Legislative Records of the Council.

² This date is July 7 according to Legislative Records of the Council.

Coats found by the Men of Col^o Eastons Reg^t in y^e Year 1775, as they were directed by Order of Court & give them Receipts therefor —

Resolved That the Receiver General of this State be & he hereby is directed to receive of Timothy Edwards & Samuel Brown, Jun^r, Esq^r, the Sum of Two Hundred Pounds Lawful Money, Part of the Sum of Money put into their Hands by a former Gen^l Court of this State to pay for Coats found by the Men of Col^o James Eastons Regiment raised in y^e year 1775, & that he give a Duplicate Receipt for the Sum he shall receive: (They remaining accountable for the Residue of the Monies lodg'd in their Hands,) one of Said Receipts to be by them Lodged with the Secretary. [*Passed July 8.*]

CHAPTER 202.

RESOLVE ON THE PETITION OF JOHN ROWE AND JOSEPH CUNNINGHAM.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 169.
Mass.
Archives,
clxxxiii., 90.

ON THE PETITION of John Row & Joseph Cunningham praying that they may give bonds according to the Laws of this State for a private Sch[ooner]¹ of War to proceed to Sea —

Resolved that the prayer of the Petition be granted & that the above Petitioners be & they hereby are permitted to give Bonds according to the law of this State. [*Passed July 8.*]

Mass.
Archives,
clxxxiii., 89.

CHAPTER 203.

RESOLVE ON THE PETITION OF MARY GREEN.

UPON THE PETITION of Mary Green, Wife of Hammond Green, late of Boston, praying Leave to go to her Husband now resident at Halifax —

Resolved that the Prayer of the Petition be granted & that the s^d Mary Green with her Child have Leave to go by such Opportunity & under such restrictions as the honorable Council judge proper — & that she have Leave to take with her, her Bed & other necessaries. [*Passed July 8.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 170.
Mass.
Archives,
clxxxiii., 83.

Mass.
Archives,
clxxxiii., 81.

CHAPTER 204.

RESOLVE PROVIDING FOR THE DISPLAY OF SIGNALS AT CAPE ANN AND CAPE ELIZABETH ON THE APPROACH OF BRITISH ARMED VESSELS.

Resolved that there be erected at Cape Ann on [the most]¹ advantageous Ground at or near Pigeon Hill & at Cape Eliz^a two [Poles at each, at no]¹ greater Distance than is sufficient to make their appearance distinct — that when a Vessell suppos'd to be arm'd & belong[ing]¹ to the Enemy shall appear in Sight at the Westward, one Flag shall be hoisted, or if such Vessell appear to the Eastward two Flags shall be hoisted, that notice may be given to such Vessells as may be near that the Enemy are at hand.

Resolved that the Commanding Officers of the Guards st[at]ioned¹ at Cape [Ann]¹ & at Falmouth be order'd to carry the above Resolve [into Exe]cution.¹ [*Passed July 8.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 170.
Mass.
Archives,
ccxiv., 440.

¹ Inserted from Legislative Records of the Council.

CHAPTER 205.

RESOLVE FOR FURNISHING THE MILITIA OF CERTAIN COUNTIES
WITH FIRE ARMS.

Resolved That the Board of War, be and they hereby are directed forthwith to send forward to the Brigadiers or commanding officers in the following Counties the Number of Fire Arms set against each Respective County, to be by the said Brigadiers or Commanding Officers distributed & sold to the Selectmen of the several Towns or Districts in such County, in such Proportion as they shall judge best & at such Prices as the said Board of War shall direct, to be by the said Select Men sold and delivered to such Persons only as need the same, & whom they shall judge Friendly to the United States, & will use them in their Defence when called upon. The said Brigadiers or commanding Officers to account with the said Board of War, or with this Court for the Number they shall respectively receive at the Prices which shall be affix'd. The following Number to be deliver'd to the Brigadiers or Commanding Officers in the Counties following, viz.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 171.
Mass.
Archives,
ccxiv., 436.

Mass.
Archives,
cxlvi., 396.

in the County of Worcester	. . . . .	Six Hundred
in the County of Hampshire	. . . . .	Five Hundred
in the County of Bristol	. . . . .	Three Hundred & Fifty
in the County of Berkshire	. . . . .	Two Hundred & Fifty
in the County of Plymouth for the 3 rd & 4 th Regiments		
there		Two Hundred
in the County of Suffolk for the 4 th Regiment there		One Hundred.

[*Passed July 8.*

CHAPTER 206.

RESOLVE ON THE PETITION OF JOSIAH THROOP AND OTHERS.

WHEREAS the General Court of this State by a Resolve bearing Date the 2^d day of April last (in Consideration of the Distresses of the Committee & other Inhabitants of the Counties of Cumberland & Sunbury in the Governm^t of Nova Scotia & then resident in this State) did order the Sum of One hundred & sixty two pounds to be paid out of the public Treasury to John Allen Esq^r for their use —

Legislative
Records of the
Council,
xxxvii. (2nd
part), 172.
Mass.
Archives,
ccxiv., 438.

Mass.
Archives,
ccxiv., 439.
439½. Province
Laws, xix., 855,
chap. 977.

And whereas the said Sum of Money has not been as yet paid as will appear for Reasons set forth in the Petition of Josiah Throop, Robert Foster, Elijah Ayer & Nath^l Reynolds representing that they have delayed taking s^d Sum 'till they had a Prospect of relieving their Families by it — And whereas in the Minds of the Petitioners that Time is now arrived & they pray that as M^r Allen is now absent some other trusty Person may be appointed to receive & pay the s^d Sum of One Hundred & sixty pounds to the charitable Purposes for which it was voted —

Resolved that the Treasurer of this State be & he hereby is directed to pay to Robert Foster & Elijah Ayer being of the Committee for the County of Cumberland in Nova Scotia, the aforesaid Sum of One hundred & sixty two pounds for the purpose aforesaid, & that the s^d Foster & Ayers be accountable for the same in the like manner as if received by the s^d Jn^o Allen Esq^r.

[*Passed July 8.*

CHAPTER 207.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 172.
Mass.
Archives,
ccxiv., 437.

RESOLVE RELATIVE TO THE COMMITTEE ON ACCOUNTS.

Resolved That during the Recess of the Court, any three of the Committee on Accounts be a quorum — And that M^r Ezra Sergeant be of said Committee in the absence of M^r Wood. [*Passed July 8.*]

CHAPTER 208.

RESOLVE PERMITTING REV. EDWARD WINSLOW TO PROCEED TO RHODE ISLAND.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 173.
Mass.
Archives,
clxxxiii., 80.

ON THE PETITION of Edward Winslow, Clerk, praying that he & his Son may have Liberty to leave this State and go to Rhode Island &c —

Resolved That the Rev^d Edward Winslow be permitted to depart this State with his Son & proceed to Rhode Island, they submitting any Letters or Papers they may have with them to the Inspection & examination of the Generall or Command^r Officer, stationed at Providence, provided the said Edward Winslow before his departure give his Parole to the Hon^{le} Council, that upon his Arrival at Rhode Island he will Use his best Endeavors, to procure the liberation of such Inhabitant of this State, who is, or may be held in Confinement there, as the Council shall direct. [*Passed July 8.*]

CHAPTER 209.

RESOLVE IMPOWERING THE COUNCIL TO CONVENE THE GENERAL COURT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 176.
Mass.
Archives,
ccxiv., 441.

Resolved That the Honorable Council be and they hereby are empower'd to convene the Great & General Court or Assembly on any earlier Day than that to which it shall next be adjourn'd or prorogued, if they shall judge the Public Service requires it. [*Passed July 8.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FIFTH DAY OF AUGUST, A.D. 1777.

CHAPTER 210.

RESOLVE DIRECTING THE BOARD OF WAR TO TAKE MEASURES TO
CAPTURE OR DESTROY THE ENEMIES' CRUIZERS.

WHEREAS our Enemies have several small Cruizers upon this Coast, & even in Boston Bay, which have taken several of our Coasting Vessels & greatly obstructs our Navigation; And as the Continental & State Vessels, as also most of the private Vessels of War, are improper to be employed for clearing the Coast of these Vermin.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 180.
Mass.
Archives,
ccxiv., 462.

Therefore

Resolved That the Board of War be, & they hereby are directed, without delay, to take such measures for taking or destroying all such Cruizers as aforesaid, as they shall judge most proper.
[*Passed August 6.*]

CHAPTER 211.

RESOLVE REQUESTING GENERAL HEATH TO MAKE RETURNS OF
THE MEN RAISED FOR THE QUOTA OF THE CONTINENTAL ARMY.

Resolved That General Heath be desired immediately to lay before this Court the Number of Men Returnd to him by the Recruiting Officers of this State, that have been raised within the same towards our Quota of the Continentall Army, distinguishing the Number in each Regiment, & likewise inform this Court how many of them have actually marched & to what post, & where the Remainder are, And also that Generall Heath be desired to give immediate & effectuall Orders, for marching every Man belonging to the Continentall Army now remaining within this State to the place of his Destination & that the Secretary be directed immediately to wait on Gen^l Heath with a Copy of this Resolve.
[*Passed August 6.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 180.
Mass.
Archives,
ccxiv., 461.
Mass.
Archives,
ccxiv., 453.

CHAPTER 212.

RESOLVE FOR PROCURING TWO ARMED VESSELS.

WHEREAS it appears to this Court that at the lowest Computation the Armed Vessells belonging to this State have neated the Sum of £55,000, it is therefore

Resolved that it is expedient that two armed Vessells to mount 28 or 32 Guns each, should be purchased or built & fixed out for the Service & on Acco^t of this State — & that the Board of War be & hereby are impowered & directed to carry this Resolve forthwith into Execution. [*Passed August 6.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 181.
Mass.
Archives,
ccxiv., 456.
Mass.
Archives,
cxlii., 79.

CHAPTER 213.

RESOLVE FOR SUPPLYING JOHN BRADFORD WITH SUNDRY ARTICLES FOR THE CONTINENTAL SHIP RANGER.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 181.
Mass.
Archives,
ccxiv., 457.

Mass.
Archives,
ccxiv., 453.

ON THE REQUEST of John Bradford for sundry articles for the Continental Ship Ranger —

Resolved that the Com^{tee} of Sequestration be & hereby are directed to deliver to John Bradford Esqr or his order, One of the Continental Agents, for the use of the Continental Ship Ranger, One Armourers Anvil, one standing Vice, one hand Vice, six hand saw files, four bastard files, four of different sorts of files, and one drill Box, he to be accountable to this Court for y^e same. [*Passed August 6.*]

CHAPTER 214.

RESOLVE DIRECTING THE BOARD OF WAR TO MAKE DISPOSITION OF 1,500 FIRE ARMS AND 2,000 GUN LOCKS.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 182.
Mass.
Archives,
ccxiv., 451.

Mass.
Archives,
ccxxxiv., 59.

Resolved That the Board of War be & hereby are Directed to make disposition of fifteen hundred fire Arms & two Thousand Gun Locks of those now remaining in the publick Stores to the Selectmen or to the Committees of such Towns as may apply & have not been already supplied from the publick Stores, in such proportion as they may Judge proper & Advantageous to the public safety, they paying for the same such prices as they have been delivered at to those Towns who have already received those articles, & also that they deliver to the Selectmen or Committees of such Towns as have not already received any from the public Store, fifty Thousand Gun Flints & fifteen Tons of Lead in proportion to the Number of Inhabitants & perticular situation of each Town — they Applying & paying for the same such prices as the Board of War shall Judge reasonable, & in proportion to the price of the Arms. [*Passed August 6.*]

CHAPTER 215.

RESOLVE ON THE LETTER OF GEN. SCHUYLER.

Mass.
Archives,
ccxiv., 449.

Mass.
Archives,
ccviii., 4.

Resolved That Gen^l Schuyler's requisition be so far Complied with that a Levy of Two Thousand Men be Immediately made from some part of the Militia of this State, to reinforce the Northern Army & to serve till the last day of November next unless sooner discharged, each Commission Officer to be on the Continental Establishment & Each Non Commission Officer & private to have an addition of twenty shillings p^r Month to his pay allowed by the Continent & a Bounty of Six pounds to be paid out of the Treasury of this State, & to be Allowed the usual Milage to the place of destination, to be paid by the Selectmen of the several Towns they shall march from, & to be refunded by the Committee on Accounts, & that a Com^{tee} of both Houses be appointed to determine from what parts of the Militia of this State the said Levy Shall be made, & also what Measures shall be taken Effectually to Compleat the Battalions in the Continental Army belonging to this State. [*Passed August 6.*]

CHAPTER 216.

RESOLVE DIRECTING COMISSARY GENERAL TO DELIVER EPHRAIM
LAWRENCE TWO TONS OF SALT PETRE.

Resolved that Richard Devens Esq^r, Commissary General for this State be, and he hereby is directed to deliver to M^r Ephraim Lawrence or to his Order, Two Tons of Salt Petre, to be by him Manufactured into good Gun Powder for the Use of this State; the said Lawrence complying with the resolution of this Court of the fifth of July, 1777. [*Passed August 7.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 184.
Mass.
Archives,
ccxiv., 465.

CHAPTER 217.

RESOLVE FOR SUPPLYING THE CONTINENTAL SHIP RANGER WITH
WATER CASKS.

ON THE PETITION [of] J. W. [John Paul]¹ Jones praying that he may have liberty to purchase a number of iron bound water casks for the use of the Continental ship of war Ranger, now at Portsmouth:

Resolved that the Board of War be directed to deliver to s^d Jones fifty iron-bound water casks, he paying for the same. [*Passed August 7.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 184.
Mass.
Archives,
ccxiv., 464.
Mass.
Archives,
ccxiv., 463;
ccxxxiv., 61.

CHAPTER 218.

RESOLVE MAKING A LEVY OF 2,000 MEN TO REINFORCE THE
NORTHERN ARMY.

THE COM^{TEE} of both Houses appointed "to determine from what part of the Militia of this State the 2000 men shall be levied, which are ordered for the reinforcement of the Northern Army — and also what measures shall be taken effectually to compleat the Battalions with the proportion belonging to this State," beg leave to Report by way of Resolve.

Resolved That the 2000 men, order'd by a Resolve of Yesterday to be Levied from the Militia of this State for the reinforcement of the Northern army, Shall be Levied from the following Counties, as follows, viz^t

The County of Suffolk exclusive of the Boston & fourth Regiment	men	258	in 3 Companies
The County of Essex	344	" 4	d ^o
d ^o Middlesex	387	" 4	d ^o
d ^o Worcester	473	" 5	d ^o
d ^o Hamshire	365	" 4	d ^o
d ^o Berkshire	173	" 2	d ^o
	2,000	" 22	d ^o

Mass.
Archives,
ccxiv., 450.
Mass.
Archives,
ccxviii., 7.

non-commission'd officers included. And the Council are hereby desired to issue their Orders to the Several Commanding officers of the Brigades of said Counties for Levying the above men, agreeable to the s^d Resolve of Yesterday, & this Resolve; & to be Regimented & ordered, as the Council shall direct.

Also

Resolved That the Council be desired, without delay, to take

¹ Inserted from Legislative Records of the Council. The petition is signed "Jn^o P. Jones."

any such measures as they shall judge proper, to oblige the Several Towns & Plantations within this State, which have not yet furnished their One Seventh part of their Militia for the Continental Battalions, immediately to furnish their deficiencies.

In Council

Read & accepted

In the House of Representatives

Read and concurred. [*Passed August 6.*]

CHAPTER 219.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 185.

Mass.
Archives,
clxvii., 149½.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 177, 183.

RESOLVE PROVIDING THAT THE MEN RAISED FOR THE EXPEDITION TO ST. JOHNS RIVER BE DISBANDED.

Resolved That the Expedition to St Johns River in Nova-Scotia be laid aside for the present, and that the Council be, and hereby are desired to disband such Men as have been raised for said Expedition, and take such order relative to the Provisions, Arms & Stores that have been provided, or Money for the Bounties not expended as they shall think proper. [*Passed August 8.*]

CHAPTER 220.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 185.
Mass.
Archives,
ccxiv., 467.

Mass.
Archives,
ccxiv., 468-470.
Province
Laws, xix., 909,
chap. 1108.

RESOLVE DIRECTING THAT COL. ISRAEL WILLIAMS BE RETAINED IN CUSTODY.

ON THE PETITION of Joseph Cooke, Keeper of the Goal at Northampton in the County of Hampshire, praying for the direction of Court with respect to detaining Coll Israel Williams now in his Custody at s^d Goal.

Resolved That the Sheriff of the County afores^d be and he hereby is directed to retain the said Williams in said Goal until the further Order of the General Court. [*Passed August 8.*]

CHAPTER 221.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 190.

Mass.
Archives,
ccxiv., 476.

Mass.
Archives,
ccxiv., 468-470.

RESOLVE DIRECTING THAT ISRAEL WILLIAMS, JUN^r, BE RETAINED IN CUSTODY.

Resolved That the Sheriff of the County of Hampshire be and hereby is directed to retain Israel Williams Jun^r now in his Custody until the further order of the General Court. [*Passed August 9.*]

CHAPTER 222.

RESOLVE FOR DRAFTING ONE-SIXTH PART OF THE MILITIA TO REINFORCE THE CONTINENTAL ARMY.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 187.
Mass.
Archives,
ccxiv., 472.

WHEREAS by the Loss of the important Fortress of Ticonderoga a Way is opened to the Ravages of our cruel & inveterate Enemies which they are vigorously improving, & a few Days, if we are supine & inactive, may introduce them into the Bowels of this State, & with them, all the Horrors of a savage Indian War — un-

distinguished Murder, Blood & Rapine: & whereas the raising of one seventh Part of the male Inhabitants of this State for filling up the Continental Army has been in some Towns but partially accomplished: & the immediate pressing necessity of the present Day will not admit of delaying the Defence of our Country 'till those vigorous measures which this Court is determined to adopt for completing the Army can be carried into Execution: this Court, thô resolved that proper & immediate Enquiry be made into the Occasion of our present Distress & to use their Influence that the Authors of it may meet with exemplary Punishment, are determined forthwith to raise such Succours for our northern Army as shall enable them not only to withstand the Inroads of our Enemies but thrô the Favour of Heaven to force them to an ignominious Retreat: relying upon that public Virtue, that unabated Love of Freedom & their Country with which the substantial militia of this State have ever been inspired

Mass.
Archives,
cxix., 448,
471-474.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 177,
183 bis.

Do therefore

Resolve That one sixth part of the able-bodied Men in the Training Band and Alarm List now at home in the Counties of Suffolk, Essex, Middlesex, Hampshire, York, Worcester and Berkshire, excepting the Boston & fourth Regiment in the County of Suffolk, also the sixth Regiment in y^e County of Essex be ordered by the major part of the Council, to march under such Brigadier or Brigadiers as the Council shall direct, to reinforce the American Army, and to continue in Service until the last Day of November next, unless sooner discharg'd, under such Regulations, and upon such Establishment, as is hereafter provided: And that the said sixth part of the Militia march without delay — It is further

Resolved That the Major Part of the Council make out their Orders to the Brigadier or Commanding Officer of each of the aforesaid Counties respectively, directing him immediately to cause such parts of the Militia as aforesaid to be immediately drafted and equipt, each with a good Fire Arm and also a Bayonet if to be had, Cartridge Box, Knapsack and Blanket, with ½ lb Powder, twenty Balls suitable for his Gun, and march for the purpose aforesaid, and that they form the Militia so drafted into Companies of Sixty eight men each, noncommission'd Officers included, or as near as may be: And that the Brigadiers from the Officers of their respective Brigades, order that one Captain & two Lieutenants take the command of each of s^d Companies, and said Brigadiers form the Companies so drafted into Regiments consisting of eight companies each, as near as may be, and to each Regiment so form'd assign or order from the Field Officers of such Brigade, one Colonel, one Lieut Colonel, one Major, to command said Regiments, with the same relative Rank with each other as they now have — And it is further

Resolved That if any Person of the Alarm List or Training Band drafted as aforesaid, shall neglect to march agreeable to the above Resolve, and shall not procure some able bodied Man in his Room, within twenty four Hours from the Time of his being so drafted, not making a reasonable Excuse to the satisfaction of the Officer who drafted him, shall be consider'd as a Soldier in the Army for the Time afores^d And treated as such — And it is further

Resolved That the Commanding Officer of each Company be and hereby is impower'd to receive the Fines of such Persons as will pay the same, he to dispose thereof for the purpose of raising other Men for that Service: *And in order that there be no deficiency in the number of Men for the above Service, It is*

Resolved That where there are no Militia Officers in any Company in that case the Selectmen and Committees of Correspondence shall do the Duty assign'd to the Militia Officers.

And it is also

Resolved That the said Detachment of Militia shall while in Service be under the General Command of the Commander in Chief of the Continental Army, and shall be under the Laws and Regulations provided by the Congress for said Army —

And it is further

Resolved That each noncommission^d Officer and Soldier so drafted and who shall well and faithfully perform said Service shall at the expiration of said Term receive from the Treasury of this State two Pounds ten shillings *p* Calender Month in addition to the Continental Pay, and the Officers commanding each Company are hereby directed to present to a Committee of this Court, Rolls properly authenticated, to be allowed for the payment of the same as a Gratuity or Bounty for their Services aforesaid —

And it is also

Resolved That the Selectmen from any Town or Towns from whence a Company shall be so drafted, shall be and hereby are directed and impowered to procure one Team to carry the Baggage of said Company to the place of destination of the same, in the most expeditious manner, and said Selectmen are also directed to furnish said Men with Kettles and Canteens, and also pay each Man two pence *p* Mile to the place of Destination for their support and to lay their Accounts before the Committee of this Court, who are hereby directed to [pay]¹ the same —

And it is further

Resolved That the Field Officers [of]¹ each Battalion appoint one Surgeon, one Surgeons Mate, One Adjutant and one Quarter Master, and the Brigadier or Brigadiers each shall appoint one Chaplain and a Brigade Major to each Brigade —

And it is also

Resolved That each Brigadier General as soon as the Men are drafted and formed into Companies be and hereby is order'd to march them to such place as the Council shall order, subject however to such further Orders as they may receive from the General Court of this State or the Commander in Chief of the Continental Army.

And it is further

Resolved That such of the Militia of any Brigade as have already marched and shall perform the Services aforesaid, shall be consider'd as part of the sixth part of said Brigade and intitled to the same pay and encouragement as is before provided. [*Passed August 9.*]

CHAPTER 223.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

WHEREAS it appears upon Examination of the County Treasurers acc^{ts} for the County of Suffolk, that all the Monies granted and allowed by the Court of General Sessions of the Peace For Said County for the year 1777 were for Such purposes and appropriations as the Law Empowered the Said Court to grant: Therefore

Resolved that the Said acco^t be allowed. [*Passed August 9.*]

¹ Inserted from Legislative Records of the Council.

CHAPTER 224.

ORDER ON LETTER OF COL. THOMAS CHACE, DEPUTY QUARTER MASTER GENERAL.

Ordered That the Committee of Sequestration be and they hereby are directed to deliver to Col^o Thomas Chace a sufficient Number of Buckels & Bitts to compleat the Harness making by M^r Sam^l Bowen for the Use of the Continental Army, Said Chace paying for the same. [*Passed August 9.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 192.
Mass.
Archives,
ccxiv., 477.

CHAPTER 225.

RESOLVE REPEALING A RESOLVE FOR RAISING 2,000 MEN TO REINFORCE THE NORTHERN ARMY.

WHEREAS by A Resolve of the 8th Instant such Provision is made for Reinforcing the Army with A Body of Militia from this State as renders it unnecessary that A Resolution of the 6th Instant for Complying with the requisition of Gen^l Schuyler & reinforcing the Northern Army with Two Thousand Men should be Continued — it is therefore

Resolved That the said Resolution of the 6th Instant be & hereby is repealed. [*Passed August 9.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 193.
Mass.
Archives,
ccxiv., 478.

Mass.
Archives,
ccxiv., 449, 450.

CHAPTER 226.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

WHEREAS it appears upon Examination of the Accounts of the Treasurer of the County of Essex, that all the Monies granted and allowed by the Court of General Sessions of the Peace for said County for the Year 1775 were for such Purposes and Appropriations as the Law impower'd said Court to grant: Therefore

Resolved That said Account be allowed. [*Passed August 9.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 193.
Mass.
Archives,
ccxiv., 479.

CHAPTER 227.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO SUPPLY SELECTMEN WITH POWDER.

WHEARAS by a Resolve of the General Assembly of this state Past June y^e 19th Last, the Overseers of the Powder Mills were Directed to Deliver to the selectmen of any Town in this state who may apply Thearfor, or to their Order, any Quantity of powder they may Request of them, They paying for the same at the Rate of five shillings a pound, Provided the same do Not Exceed half a pound to Each man in their Respective Towns, Including the alarm List, in addition to half a pound a man heartofore allowed to be Drawn by them, and the selectmen are Directed to Dispose of the same not Exceeding half a pound p^r man, to such Inhabitants of their Respective Towns who are Not already pro-

Legislative
Records of the
Council,
xxxvii. (2nd
part), 193.
Mass.
Archives,
ccxiv., 480.

vided agreeable to the Militia Act of this state, the Overseers of the said powder mills to be accountable to this Court for the money they may Recive Thearfor.

And whearas it is much more Convenient for many Towns to apply to the Commisary General than to Either of the powder mills, There[fore]

Resolved That the Commisary General of this State, (as well as the overseers of the said powder Mills,) be and he is hearby Directed, upon the application of the select men of any Town in this state, to Deliver to them Gun powder in the Quantity and under the Restrictions and to be accountable for the money Received for the same in the Manner Exprest in the foregoing Resolve.

And Whearas some of the powder that has Been Delivered by the Overseers of the powder mills has been Found Defective and not marchantable —

It is Further

Resolved that the Overseers of the powder mills be and they are hearby Directed to Recive all Such Defective powder by them manufactured and sold to the select men of any Town by Order of the General Assembly of this state, and Deliver to said select men the same Quantity of good Marchantable Gun powder in the Room of the Defective powder so Returned or Return them the money they paid for the same; as the parsons so Returning the powder shall Choose. [*Passed August 9.*]

CHAPTER 228.

APPOINTMENT OF SIMEON SAMPSON TO THE COMMAND OF AN ARMED VESSEL.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 194.
Mass.
Archives,
cxlii., 91.

In the House of Representatives

The House made choice, unanimously by ballot of Cap^t Simeon Samson to command the Armed Vessel building for this State on the plan of Mr Peck.

In Council

Read & Concurred. [*Passed August 9.*]

CHAPTER 229.

APPOINTMENT OF BENJAMIN HAWES AS COLONEL OF THE 4TH SUFFOLK COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 194.
Mass.
Archives,
ccxv., 1.

In the House of Representatives

The House made choice by ballot of Benjamin Hawes as Colonel of the fourth Regiment of Militia in the County of Suffolk, in the room of Coll Wheelock who has resign'd.

In Council

Read & Concurred. [*Passed August 9.*]

CHAPTER 230.

APPOINTMENT OF JAMES METCALF AS LIEUTENANT COLONEL OF THE 4TH SUFFOLK COUNTY REGIMENT.

In the House of Representatives

The House made choice by ballot of James Metcalf as Lieut Colonel of the fourth Regiment of Militia in the County of Suffolk, in room of Lieut Coll Hawes, this Day elected Colonel of said Regiment.

In Council

Read & Concurred. [*Passed August 9.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 194.
Mass.
Archives,
ccxv., 2.

CHAPTER 231.

APPOINTMENT OF SETH BULLARD AS 1ST MAJOR OF THE 4TH SUFFOLK COUNTY REGIMENT.

In the House of Representatives.

The House by ballot made choice of Seth Bullard as first Major of the fourth Regiment of Militia in the County of Suffolk, in the room of Major Metcalf, elected Lieut Colonel.

In Council

Read & Concurred. [*Passed August 9.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 195.
Mass.
Archives,
ccxv., 4.

CHAPTER 232.

APPOINTMENT OF SABIN MANN AS 2ND MAJOR OF THE 4TH SUFFOLK COUNTY REGIMENT.

In the House of Representatives.

The House by ballot made choice of Sabin Mann as second Major of the fourth Regiment of Militia in the County of Suffolk, in the room of Major Bullard, elected first Major.

In Council

Read & Concurred. [*Passed August 9.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 195.
Mass.
Archives,
ccxvi., 3.

CHAPTER 233.

RESOLVE DIRECTING THE COMMITTEE OF CORRESPONDENCE OF WORTHINGTON TO DELIVER SEIZED STORES TO THOMAS PAYSON.

WHEARAS it appears that there was a seizure made by the Committee of Correspondence and Safty of the Town of Worthington of five hogshheads Rum, Onc hogshhead, two Barrells & three Teirses Suger, and one Box Chacolate, which were Transporting to the Armie by Tho^s Pason, who was Employed by Elisha Avery, the Deputy Commissary General of the Northern Department, in Feb^r Last, in persuanee of an act of the General Assembly of this state Past while said stores ware Transporting, and the Trial of the Justice of said seizure being now Pending in the Court of Sessions in the County of Hampshire —

Resolved that said Committee be and they are hearby Directed to Deliver the said stores to the said Tho^s Pason or to the said

Legislative
Records of the
Council,
xxxvii. (2nd
part), 195.
Mass.
Archives,
ccxv., 5.

Mass.
Archives,
ccxiv., 94, 95;
ccxv., 6, 7.

Commissary or his order and Take a Receipt for the same and the said Court are hearby Directed to forbear any Further Process thereon. [*Passed August 11.*]

CHAPTER 234.

RESOLVE ON THE PETITION OF BENJAMIN DAVIS OF PHILADELPHIA.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 196.
Mass.
Archives,
ccxv., 9.

WHEREAS it appears by a petition of Benⁿ Davis of Philadelphia, & the papers accompanying it, that three tierces of sugar marked M:D, designed for the use of the Continental Army, were detained by the Committee of safety &c. of Watertown.

It is therefore

Mass.
Archives,
ccxv., 10-14.

Resolved that the s^d Committee do forthwith deliver s^d tierces of sugar to s^d Davis or his Order, & the several Committees through the State are hereby directed & ordered to suffer s^d sugars to pass unmolested in their way to the Continental Army. [*Passed August 11.*]

CHAPTER 235.

RESOLVE PROVIDING FOR THE DELIVERY OF STORES TO MAJOR LEVI SHEPARD.

Legislative
Records of the
Council, (2nd
part), 197.
Mass.
Archives,
ccxv., 15.

THE COMMITTEE of both Houses Appointed upon the Letter from M^r Hezekiah Smith, One of the Commissaries for this State for the Northern Army, have attended the Business assigned them & beg leave to report the following Resolve.

Mass.
Archives,
cxvii., 60, 61;
cxviii., 37;
ccv., 236.

Resolved that M^r Hezekiah Smith, one of the Commissaries for this State for the Northern Department, be and hereby is directed to deliver what Stores he has under his Care belonging to this State into the Hands of Maj^r Levi Shepard, the Commissary for the Southern department, who is hereby directed to receive them, and take his receipt for the same: And that said Smith be & hereby is directed to receive what Stores are now at Williamston belonging to this State, & Convey them to Manchester or to such other place in the Northern Department as Gen^l Lincoln shall direct, and there deliver them out to such Soldiers under his Command belonging to this State —

And that the Said Smith be and hereby is directed to Settle with one Capt Low, who has been Intrusted with a part of the Stores sent to said Smith by M^r Brick of Northampton and to receive the Money for the Same.

In Council

Read & accepted

In the House of Representatives

Read & concurred. [*Passed August 11.*]

CHAPTER 236.

Legislative
Records of the
Council,
xxxvii. (2nd
part), 197.
Mass.
Archives,
ccxv., 17.

ORDER DIRECTING THE BOARD OF WAR TO SUPPLY SUCH ARTICLES AS MAY BE REQUIRED BY THE COMMITTEE FOR FORTIFYING THE HARBOR OF BOSTON.

Mass.
Archives,
ccxv., 16;
celxxxiv., 60.

Ordered that the Board of Warr be & are hereby directed to deliver to the Committee for fortifying the Harbour of Boston, all such Articles as the said Board can supply & the said Committee may have Occasion for, to carry on & to compleat the Business

under their Direction, not exceeding the Sum of One thousand Pounds, the said Committee to be accountable to the Generall Court for the same. [*Passed August 11.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 179.

CHAPTER 237.

APPOINTMENT OF MICHAEL FARLEY AS 3RD MAJOR GENERAL OF THE MILITIA.

In the House of Representatives

The House unanimously made choice by ballot of The Hon Michael Farley, Esq^r, as Third Major General of the Militia of this State.

In Council

Read & Concurred. [*Passed August 11.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 197.
Mass.
Archives,
ccxv., 19.

CHAPTER 238.

APPOINTMENT OF JOHN FROST AS BRIGADIER OF THE MILITIA IN YORK COUNTY.

In the House of Representatives

The House unanimously made choice by ballot of John Frost, Esq^r, as Brigadier of the Militia in the County of York, in the room of Brigadier Moulton deceas'd.

In Council

Read & Concurred. [*Passed August 11.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 198.
Mass.
Archives,
ccxv., 20.

CHAPTER 239.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY CERTAIN OFFICERS WITH CLOATHING.

WHEREAS it has been represented to this House that Numbers of the officers of the Continental Regiments raised in this State, have by the unfortunate Evacuation of Ticonderoga, lost a considerable Part of their Baggage, which they are unable to replace without the assistance of this Court —

Resolved that the Board of War be & they hereby are empower'd & directed to deliver to such officers of the above Description as may apply, such Quantities of Cloathing as they may want, & the s^d Board can spare, they paying for the same. [*Passed August 11.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 198.
Mass.
Archives,
ccxv., 21.

CHAPTER 240.

APPOINTMENT OF ALEXANDER PARRAN AS 3^D LIEUTENANT OF A COMPANY OF MATROSSES STATIONED AT GLOUCESTER.

In the House of Representatives

The House made choice of Alexander Parran as third Lieutenant of a Company of Matrosses station'd at Gloucester, in the room of Mark Davis, who declines serving.

In Council

Read & Concurred. [*Passed August 11.*]

Legislative
Records of the
Council,
xxxvii. (2nd
part), 198.
Mass.
Archives,
ccxv., 22.

CHAPTER 241.

ADDITIONAL RESOLVE RESPECTING DEFECTIVE POWDER.

Legislative
Records of the
Council,
xxxviii. (2nd
part), 198.
Mass.
Archives,
ccxv., 23.

Mass.
Archives,
ccxv., 8;
ccxxxiv., 62.

WHEREAS it has been represented that some of the powder manufactured at the several powder Mills in this state has proved defective, and as there is a sufficient quantity of imported powder for the present demand, therefore

Resolved that the Overseers of the powder Mills be & hereby are directed to receive all the powder by them manufactured & to be sold to the Selectmen of any town by order of the General Assembly of this State, agreeable to a resolve of the 9th instant, & return them the Money for the same, and the said Selectmen are hereby authorized & impowered to apply to the Commissary General of this State for the like quantity of imported powder in lieu thereof, who is hereby directed to deliver it to the said Selectmen or their order, they paying for the same agreeable to y^e aforesaid resolve. And its also

Resolved that the said Overseers of the powder mills or the Commissary receive such manufactured powder as they have delivered to any persons by virtue of certificates given to any Towns, who lent their powder to this or to the United States in y^e year One thousand Seven hundred & Seventy five, & deliver up their said certificates to them, & the Commissary General is hereby directed to deliver them the same quantity specified in said Certificates.

And whereas the Town of Newbury Port exchanged two barrels of Powder with John Allyne, Esqr, Superintendant of Indian affairs, w^{ch} he rec^d by order of this State that was defective, its therefore

Resolved that the Commissary General be & hereby is directed to receive of the Town of Newbury Port the said defective powder, and return two Barrells of imported powder to the Town of Newbury Port or their order. [*Passed August 11.*]

CHAPTER 242.

APPOINTMENT OF ICHABOD HOLBROOK, JUN^R, AS ADJUTANT TO THE 5TH SUFFOLK COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 1.
Mass.
Archives,
ccxv., 25.

In the House of Representatives

The House made choice by ballot of Ichabod Holbrook, Jun^r, as Adjutant to the fifth Regiment of Militia in the County of Suffolk.

In Council

Read & Concurred. [*Passed August 12.*]

CHAPTER 243.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

Legislative
Records of the
Council,
xxxviii., 1.
Mass.
Archives,
ccxv., 26.

WHEREAS it appears upon Examination of the Accounts of the Treasurer of the County of York, that all the Monies granted and allowed by the Court of General Sessions of the Peace for said County for the Year 1777, were for such purposes and appropriations as the Law impowered said Court to grant —

Therefore

Resolved that said Account be allowed. [*Passed August 12.*]

CHAPTER 244.

RESOLVE NAMING THE NEW ARMED VESSEL THE HAZARD.

Resolved That the Armed Vessel building for this State on the Plan of M^r Peck and to be commanded by Cap^t Samson be called the Hazard. [*Passed August 12.*]

Legislative
Records of the
Council,
xxxviii., 2.
Mass.
Archives,
ccxv., 27.

CHAPTER 245.

RESOLVE APPOINTING A COMMITTEE TO RECEIVE AND ACCOUNT FOR MONEY RETURNED BY OFFICERS ENGAGED IN RECRUITING SERVICE.

WHEREAS this Court by a Resolve bearing Date the 28 Nov^r last did order that Theophilus Cushing & Joshua Clap, Esq^{rs}, & M^r Benj. Guild should be a Committee to receive & give Discharges for such Sums of money as were due from several Officers, who had received monies for the recruiting Service, & whereas the Committee so appointed have represented to this House that they have monies in their hands which they have rec^d by Virtue of the Order afores^d —

Legislative
Records of the
Council,
xxxviii., 2.
Mass.
Archives,
ccxv., 30.

Resolved that the s^d Committee be & they hereby are directed to pay such monies as they have received by Virtue of s^d Order into the hands of the Treasurer of this State, taking from him two Receipts for the same, one of which shall be by them lodged in the Secretary's Office.

And whereas Theophilus Cushing & Joshua Clap Esq^{rs} have desir^d to be excused from this Service, it is further

Resolved that Samuel Baker, Esq., & Cap^t Jacob Boardman be appointed in their Stead, & with the s^d Benj Guild, Esq^r, are im-
power^d to receive & give Discharges for such Sums as are yet due from the said Officers, & the same to pay into the Hands of the Treasurer of this State taking two Rec^{ts} as aforesaid. [*Passed August 12.*]

CHAPTER 246.

ORDER APPOINTING A COMMITTEE TO DRAUGHT A PROCLAMATION FOR A PUBLIC FAST.

In the House of Representatives

Order^d that M^r Jeffries & M^r Nicolls with such as the Hon^{ble} Board may join be a Committee to report a Proclamation for appointing a Day of Fasting, Humiliation & Prayer.

In Council

Read & Concurred & Daniel Hopkins, Esq^r, is joined. [*Passed August 12.*]¹

Legislative
Records of the
Council,
xxxvii. (2nd
part), 184.
Mass.
Archives,
cxlii., 97.
Mass.
Archives,
cxlii., 92-100;
ccxv., 24.
Legislative
Records of the
Council,
xxxvii. (2nd
part), 191, 192;
xxxviii., 1, 7.

CHAPTER 247.

PROCLAMATION FOR A PUBLIC FAST.

A PROCLAMATION for a Day of Fasting, Humiliation and Prayer.
It having pleased the wise & holy GOVERNOR of the world to manifest his displeasure against the *heinous* and *provoking* Sins of

Legislative
Records of the
Council,
xxxviii., 7-9.
Mass.
Archives,
cxlii., 92-96.

¹ This date is August 9 according to Legislative Records of the Council.

Mass.
Archives,
cxlii., 97^a.
Love's Fast
and Thanks-
giving Days
of New
England,
page 503.

the people of this land, by the terrible judgment of a War, which is now become so general as to demand our most serious attention; and as HE hath permitted the enemy to make dangerous inroads upon our defenceless frontiers; by which means the Savages have begun the dreadful work of *indiscriminate* murder among our distressed brethren; and as HE is now holding the rod of his *visible* displeasure over our oppressed & endangered country; it becomes a people professing a belief in a Superintending, *universal* Providence, with true & *unfeigned* repentance, to make HIM their refuge, who governs & *wisely* directs all human Affairs.

We have therefore thought fit, with the advice of the Council and at the Desire of the House of Representatives, to appoint and we do hereby appoint Thursday the twenty eight day of August current, to be observed throughout this State, as a day of FASTING, HUMILIATION & PRAYER; hereby calling upon the Several religious assemblies, of every denomination, *devoutly* to attend on the duties of the said day; with humble penitence confessing their manifold Sins, & aggravated transgressions; imploring, through JESUS CHRIST OUR LORD, the pardoning mercy of Almighty God, & the gracious removal of the *divine* displeasure from us; with grateful hearts acknowledging his *unmeritted* goodness, & the many mercies, which, while HIS judgments are abroad in the earth, HE bestows upon an ungrateful & *ill-deserving* people; & devoutly Supplicating those important blessings which we, in this day of *general* calamity, stand in such eminent need of: particularly, that GOD would direct the counsels of this, & of *all* the *united* American States; & in a *Special* manner the grand Congress of America; that he would Succeede, & prosper our naval & military operations; preserve the lives & health of our Officers & Soldiers, animate them with invincible courage and resolution, & lead them on to *decisive* victory; and that the COMMANDER IN CHIEF, amidst *all his weighty cares*, may be under the *Singular* direction and protection of HIM, who giveth wisdom to the wise and understanding to the prudent; that the inhabitants of these States may be Spirited to make with *united* efforts a vigorous & *Successful* defence of their liberties, civil & religious; that the determined & *enraged* enemy may not be able to execute their cruel & *destructive* plan but meet with disappointment & a *total* defeat; & that, instead of the Sound of the trumpet & the *alarm* of War we may soon hear the voice of established & *undisturbed* peace, that the earth, now *teeming* with hopefull plenty, may yield to man & beast a full & *rich* Supply; that profanity & vice of *every Species* may, with *universal* consent, be *banished* from among us; that Selfishness & *oppression* may give place to benvolence & public virtue; that the *interesting* truths of the Gospel of God, our Saviour, may, through the *Sanctifying* influences of the Holy Spirit, have *due* effect upon the hearts and lives of persons of *every* age; & we be that *happy* people, whose GOD is the LORD.

And all Servile labour & recreation are hereby forbidden on the said day.

Given at the Council Chamber this twelfth Day of August, in the Year of our Lord one thousand Seven hundred and Seventy Seven.

GOD SAVE THE UNITED STATES OF AMERICA!

CHAPTER 248.

RESOLVE DIRECTING BOARD OF WAR TO DISPOSE OF AN ADDITIONAL QUANTITY OF LEAD.

WHEREAS by a resolution of the Sixth Instant, the Board of War are directed to dispose among other military Stores of Fifteen Tons of Lead among the Inhabitants of this State, as is therein directed, and Whereas tis apprehended that quantity of Lead will be insufficient to answer the present necessary demands of the Inhabitants, It is therefore

Legislative
Records of the
Council,
xxxviii., 2.
Mass.
Archives,
ccxv., 31, 32.

Resolved That the Board of War be and hereby are directed to dispose of Fifteen other Tons of Lead to and among the Inhabitants of this State, in the same manner as the said Resolution of the 6th Instant directs. [*Passed August 13.*¹]

CHAPTER 249.

RESOLVE ON THE PETITION OF WILLIAM CLARK.

ON THE PETITION of M^r William Clark, praying that the sentence against him by a Court of Special Sessions held in the Town of Boston on the 12th day of June last, may be revok'd for the reasons set forth in said petition.

Legislative
Records of the
Council,
xxxviii., 4.
Mass.
Archives,
clxxxiii., 100.

Resolved, that the prayer of the said petition be so far granted, that the Justices of the said Court for the Trial of such persons, be and they hereby are Authorised & directed to admit the said William Clark to a new Trial, and that he be discharged from his present confinement & have leave to return to his home in Dedham, upon his giving bond to the Treasurer of this State in the sum of five Hundred pounds, conditioned that he will not hold correspondence with any of the enemies of this, or the united states of America, or say or do anything to the prejudice of said states, and that he will not go more than one mile from his Dwelling House in said Dedham, and will appear at s^d Court when called for, and answer to the charges that may then be brought against him, respecting his being inimical to said States. [*Passed August 13.*]

Mass.
Archives,
cliv., 146;
clxxxiii., 98.

CHAPTER 250.

RESOLVE REGULATING SIZE OF POWDER CASKS.

WHEREAS it is not only very inconvenient, but also detrimental to the Gun Powder manufactured in this State to put it up in large Casks, and to make the Casks full:

Therefore

Resolved, That the Overseers of each of the Powder Mills in this State be and they hereby are directed to procure Barrels that will contain one hundred and ten pounds, and half barrels that will contain fifty-five Pounds of Powder, made of Stuff thoroughly season'd, and that they put one hundred Pounds into each Barril and fifty Pounds into each half barrel, that the Powder may have room for motion when the Casks are moved to prevent its being matted together —

Legislative
Records of the
Council,
xxxviii., 4.
Mass.
Archives,
ccxv., 37.

¹ This date is August 12 according to Legislative Records of the Council.

And that no Powder be put into any Casks but such as are mentioned above, and that the Secretary be directed to furnish the Overseers of the Powder Mills with a Copy of this Resolve. [*Passed August 13.*]

CHAPTER 251.

RESOLVE IMPOWERING THE COURT OF SESSIONS TO MAKE FURTHER ALLOWANCE TO THE GOAL KEEPERS IN THE SEVERAL COUNTIES.

Legislative
Records of the
Council,
xxxviii., 5.
Mass.
Archives,
ccxv., 38.

IT HAVEING been represented to this House, that the allowance by law Established for the Supply of prisoners in the Common goal in the several Counties within this State is Insufficient: therefore

Resolved That the Court of General Sessions for the several Counties in this State, be and they are hereby Impowered, to make such further allowance to the Goalkeeper in said Counties respectively, as shall appear to them necessary for the support of said prisoners. [*Passed August 13.*]

CHAPTER 252.

RESOLVE IMPOWERING THE COUNCIL TO ADVANCE ONE MONTH'S PAY TO OFFICERS IMPRISONED AT NEW YORK OR LONG ISLAND.

Legislative
Records of the
Council,
xxxviii., 6.
Mass.
Archives,
ccxv., 40.

THE COMMITTEE of both Houses Appointed upon the Letter of Lieu^t John Blunt, now a Prisoner at Long Island, also to Consider the situation of those officers in like Circumstances at Long Island belonging to this state, and report what was Proper to be done for their relief, have attended that service, and Considering the impropriety of any Partial exchange taking Place at this time, and that good Pollicy as well as Humanity dictates that all the officers belonging to this state now with the enemies at New York or Long Island ought to be in some measure relieved by this Court, therefore beg leave to report the following resolve which is Submitted

MOSES GILL p order.

Resolved that the Council be and hereby is impowered, and requested to transmitt to each and every officer in the land service belonging to this state either at New York or Long Island from time to time, as often as the said Council may Come to the Knowledge of their Names, Situation and rank, One month's advance pay Agreeable to the Continental Establishment for 1776 in Hard money, and Acquaint General Washington therewith to the end that the said advance money may be deducted from their Several rolls when they shall be presented for payment, and the Treasurer is Hereby diricted to Charge all such warrants from the Council to the Continental Account.

In the House of Representatives

Read & accepted

In Council

Read & Concurred. [*Passed August 14.*]

CHAPTER 253.

RESOLVE FOR PENSIONING PERSONS DISABLED IN THE SERVICE OF THE STATE.

Resolved that all persons in the service and pay of this State who have Sence the 18th of april, 1775, or may hereafter lose a Limb in any Ingagement with the Enimies of the united States of amirica Either by Sea or Land, or shall be otherwais So Disabled as to be rendered incapable of giting a Livelihood, shall be Intitled to a Pinsion in the Same maner as is provided for those in the Service of the united States by a Resolve of the Hon^{bl} Congress, dated Aug^t 26th; 1776 And that John Lucas, Continental Commissary of Pensioners in this State, be and he hereby is appointed Commissary of Pensioners and in the Service & pay of this State, and is hereby directed to represent all such Persons to this Court for allowance and keep a seperate Record of the same. [*Passed August 14.*]

Legislative
Records of the
Council,
xxxviii., 6.
Mass.
Archives,
ccxv., 41.
Mass.
Archives,
ccxxxiv., 62.

CHAPTER 254.

RESOLVE IMPOWERING THE COUNCIL TO APPOINT A 3^d LIEUTENANT IN THE BOSTON LIGHT INFANTRY COMPANY.

Resolved that the Council be and they hereby are Impowered to Give a Commission for a third Lieutenant in a Company of Light Infantry in the Boston Riment, Comanded by Col^o Jabez Hatch, anything in the Melitia Act to the Contrary Notwithstanding. [*Passed August 14.*]

Legislative
Records of the
Council,
xxxviii., 7.
Mass.
Archives,
ccxv., 44.

CHAPTER 255.

RESOLVE RESPECTING STATE STORES IN THE NORTHERN DEPARTMENT.

Resolved that Hezekiah Smith, Esq^r, the Co^mmissary of this State for the Northern Department be directed as soon as may be to lay before the Commander in Chief of the Department afores^d, an Accompt of the Stores belonging to this State which were deposited in the Continental Store at Fort George & removed from thence with the Continental Stores, & in order that they may be returned to him in like Specie, or in case they Should have already been distributed to the Continental Army, that in such case this State may be allow'd & paid for the same. [*Passed August 15.*]

Legislative
Records of the
Council,
xxxviii., 9.
Mass.
Archives,
ccxv., 45.

CHAPTER 256.

RESOLVE DIRECTING BOARD OF WAR TO FURNISH NAILS FOR REPAIRING CAMBRIDGE GOAL

ON THE PETITION of John Cuming & Jonathan Brown, A Committee to repair the Goal at Cambridge, praying for nails for that purpose.

Resolved the prayer of the petition be granted and the Board of War be & hereby are directed to deliver out of the public Store to John Cumings & Jonathan Brown or their order, three thousand & three hundred double Tens to repair the Goal at Cambridge, they paying for the same. [*Passed August 15.*]

Legislative
Records of the
Council,
xxxviii., 9.
Mass.
Archives,
ccxv., 46.
Mass.
Archives,
ccxv., 47;
ccxxxiv., 63.

CHAPTER 257.

RESOLVE PROVIDING FOR THE ENLISTMENT OF A GUARD FOR THE PUBLIC STORES AT SUDBURY.

Legislative
Records of the
Council,
xxxviii., 9.
Mass.
Archives,
ccxv., 49.

Mass.
Archives,
ccxv., 50, 51.

Resolved that Tho^s Plimton, Esq, be & he is hereby empower'd & directed to inlist One Corporal & Six privates as a Guard to the Stores belonging to this State deposited in the Town of Sudbury, to serve till the last Day of December next unless sooner discharged, to be paid & billited by this State at the same rate & in the same manner that the Corporals & privates Guarding the Continental Stores are paid & Billeted, & to be under the Com^d and of Such Continental Officers as are already appointed to guard the public Stores in that Town. [*Passed August 15.*]

CHAPTER 258.

RESOLVE DIRECTING COMMITTEE ON SEQUESTRATION TO EXHIBIT THEIR ACCOUNTS TO THE GENERAL COURT.

Legislative
Records of the
Council,
xxxviii., 10.
Mass.
Archives,
ccxv., 52.

Resolved that the Committee of Sequestration be & they hereby are directed to exhibit to this Court at the next Session thereof, a particular account of all the Goods & Effects taken under their Care, what they have disposed of, the Price & the persons to whom they have been sold or delivered, & what they have on Hand. [*Passed August 15.*]

CHAPTER 259.

RESOLVE FOR COMPLEATING THIS STATE'S QUOTA OF THE CONTINENTAL ARMY.

Legislative
Records of the
Council,
xxxviii., 10.
Mass.
Archives,
ccxv., 55, 64-68.

Mass.
Archives,
ccxv., 53-56.
Legislative
Records of the
Council,
xxxviii., 3.

WHEREAS it appears by returnes made into the Secretary's office that the Proportion of the Continental army directed to be raised in this State is far short of being compleat. And as the military officers, Select men & Committees in many Towns and Plantations have by their generous exertions, raised their full proportion, while others have neglected their duty in this Regard, notwithstanding the repeated resolutions and pressing demands of the General Court; And as it is necessary in order to do equal justice through the State in the present situation of affairs, to compel those military officers, Select men and Committees in Towns and Plantations that have been and now are delinquent in that respect, immediately to furnish their respective quotas of men, and also that a return thereof may be made to the Secretarys office, expressing the Names of the men & the Towns and Plantations for which they are inlisted or drafted, and that the men may be marched into the Field without further loss of Time, It is therefore

Resolved that the Brigadier or the Commanders of the Brigade in each County of this State, shall immediately, on receipt hereof, issue his orders to the Colonel or commanding officer of each Regiment in his Brigade, or where no such officer is, to the Select men & Committee of Safety, that they cause the several Companies in each delinquent Town or Plantation within their respective Regiments to be called together, and a number of men

Including such as have already inlisted, or have been drafted to Serve as Soldiers in the Continental Service till the Tenth day of January next, equal to one seventh part of such Town or Plantations male Inhabitants on the first day of January last from sixteen years old and upwards, at Home or abroad, except Prisoners of War taken from the Enemy & the People called Quakers, to be forthwith inlisted for the said Service for the Term of three years or during the War, or drafted to serve therein for the Space of eight months from the day such draft is made, and they shall sosenably from Time to time renew their drafts for eight months to relieve so many as they shall respectively be deficient in, by Inlistment for three years or during the war, and cause the men so Inlisted or drafted to be mustered by the County muster master. The drafts to be made from the Trained band and alarm list & all others Indiscriminately of their respective Companies.

And it is further

Resolved that if any Man shall be drafted as aforesaid, who shall not pass muster or be of sufficient ability of Body to serve in Person, he shall nevertheless be obliged to hire some able bodied effective Man to serve in his Stead, or pay the Fine, if of ability to pay it for not Serving within Twenty four Hours, and in default thereof the Persons drafting him shall and may Issue a Warrant of distress directed to the proper officer to levy and collect the same by distress and Sale of the delinquents Goods and chattels, and the officer to whom the Warrant of distress shall be directed, is to be governed in the execution thereof by the Rules prescribed for collecting public Taxes: and any able bodied effective man who may be drafted as aforesaid, and duly notified thereof who shall not within Twenty four Hours [after procure some able bodied effective man in his room, to the acceptance of those who drafted him, or within Twenty four Hours] pay them a fine of Fifteen Pounds, shall be considered as a Soldier in the continental army for the Term of eight months then next following to every intent and purpose, and shall forthwith be marched to join such Regiment Raised in this State serving to the Southward or Westward, as the General or Commanding officer of the Continental Troops within this State shall direct, and in Towns and plantations where a Company shall be destitute of a Captain or Subaltern to discharge the duties enjoined by these resolutions, the Selectmen & Committees, or the major part of them, or where there is but one of those orders such of them as may be there subsisting shall have all the power and authority given by these Resolutions to the Commission officers of any Company.

And the muster masters already appointed by this Court to muster Continental Soldiers are hereby authorised and Impowred to muster the same, if they are able bodied effective men; and also to pay the bounty granted by this State, to such as shall produce a certificate from the Persons drafting, Specifying that such Person since being drafted has inlisted into the Service of the united american States for the Term of three years or during the Warr.

And in case by the paiment of fines and forfeitures as aforesaid throughout the individuals of any company, a deficiency as to the said seventh part shall remain, The Commission officers thereof shall draft over again & again till the same shall be Compleated, by hireing with fines paid or by drafting as aforesaid, and all male Persons upwards of sixteen years of age, that have been Resident in any Town or Plantation for the Space of three months next

preceeding the passing these resolutions shall be considered as Inhabitants thereof and be subjected to be drafted accordingly, except Prisoners, such persons as have been driven by fear of the Enemy from any other State and such as Stand accused by any Town as Inimical & dangerous to the united States in pursuance of a Law of this State, and the People called Quakers, and any drafted Soldier for eight months as aforesaid, who is unprovided with a fire arm and other military accutriments prescribed by the militia Law, and who is not of ability to procure them, shall be forthwith Supplied therewith by the Select men of the Town or the Committee of the Plantation to which such Soldier shall belong, at the expence of the Town or plantation, and the said Select men & Committee are hereby respectively impowred, in case they cannot procure them otherwise, to procure them by impressment, paying therefor such Sums as indifferent persons shall appraise them at, such prices to be deducted from the Wages of such Soldier as soon as it becomes due, and shall also at the Town or plantation expence forthwith advance them provisions sufficient to march them to the place of Rendezvous, or pay them two pence a mile to procure it.

And in order that justice should take place in the several parts of any Town or Plantation now remaining deficient: It is

Resolved that in all drafts that shall be made in any Town or Plantation in consequence of this resolve for the purpose of compleating the quota or proportion of the continental army, due regard shall be had to the numbers in any particular Company and the Numbers they have furnished, and no more shall be drafted from any military Company than their proper proportion of said Town or Plantation's Quota.

And Whereas the Select men of some Towns and the Committees of some Plantations have neglected to make returnes of their Numbers upon Oath into the Secretarys office, which has render'd it difficult to ascertain such Town & Plantations proportion of the Continental army: It is therefore

Resolved that the several commanding Officers of each Regiment be and hereby are Impowred & directed to call upon such delinquent Select men & Committees for a returne of the Number of their male Inhabitants from Sixteen years old and upwards on the first day of January last; at Home or abroad and the Select men or Committees who may be so called upon, refusing or neglecting for the Space of Three Days next after such demand to deliver such returne on Oath, to be taken before some Justice of the Peace of the County where they live or the Town Clerk of their Town, if there be no Justice of the Peace in the Same, who is hereby impowred to administer such Oath, shall Individually forfeit and pay Twenty Pounds, one quarter part thereof to the use of such officer, and the other three quarters for the use of the Town or Plantation to which they belong for the purpose of procuring Soldiers for the Continental army, to be sued for and recovered by such Commanding officer, by action of Debt in any Court proper to hear and determine the same with full Costs of prosecution.

And to the end the Several Colo^s or Commanding officers of each Regiment may be informed What Towns or Plantations have been delinquent in this Respect, and also how many men each Town & Plantations Quota ought to Consist of, The Secretary of this State is hereby directed to Certify to the commanding officer of each Brigade the Name of the Town & Plantation in their respective Brigades, whereof no such retur[n] is made into his office, and likewise the Names of the Towns & Plantations whereof

returne has been made upon Oath, and the Number such Towns & Plantations have made returne of.

And the commanding officer of each Regiment or where no such officer is the Select men & Committees shall without delay make returne to the Brigadier, or the commanding officer of the Brigade, expressing the Names of the men and the Town or Plantation from whence they are Inlisted or drafted, and the Brigadier or Commanding officer of the Brigade, shall also immediately make returne by express or otherways to the Secretaries office.

And it is further

Resolved that every Brigadier, or the Commanding officer of a Brigade who shall refuse or neglect to execute and discharge the duties in these Resolutions prescribed him, shall be forthwith dismissed from that high & important office.

And every commanding officer of a Regiment who shall refuse or neglect to discharge the duties enjoined him by these resolutions shall be reported by his Superior officer to the General Court.

and all other Commission officers, neglecting or disobeying the Commands of their Superior officers in putting these resolutions into Execution for furnishing the Quota of any Town plantation or Company's proportion of the Continental army, for each man so deficient in the Company to which they belong on the Tenth Day of Septem^r next shall severally forfeit the Sum of Six Pounds and Four Pounds monthly, for every month after that time such deficiency of each man shall remain.

And the Select Men and Committees neglecting or refusing the duties required of them, by these Resolutions shall Individually be liable to the same Fines and forfeitures as the Commission officers last mentioned. The said Fines and Forfeitures shall be three Quarter parts to the use of the Town or plantation where they may be Incurred for the purpose of procuring Soldiers, & the other quarter to the person prosecuting, and may and shall be sued for by the Town Treasurers, respectively, where any such officer is chosen, and where there is no Town Treasurer, the said Fines & forfeitures may be Sued for & Recovered in any Court proper to hear & determine the same By the Col^o or Commanding officer of the Regiment where such Forfeitures may be incurred with full Costs of prosecution.

And every Town Treasurer, or Colonel, or other comanding officer of a Regiment that shall neglect to prosecute for the s^d Fines & forfeitures, shall forfeit the Sum of one Hundred Pounds to the use of this State to be recovered by the Treasurer or Receiver general thereof in any Court proper to hear and determine the same.

And Whereas it is not reasonable that this State should provide Blankets for Soldiers drafted to Serve in the Continental army for short terms.

It is therefore

Resolved That such persons as may be drafted and muster'd for eight months as afors^d shall be immediately Supplied therewith by the Select men of the Towns or Committee of the plantations; at the said Town or plantations expence respectively that is to each Soldier one Blanket. [*Passed August 15.*]

CHAPTER 260.

RESOLVE PROVIDING THAT A DETACHMENT BE RAISED FOR THE DEFENCE OF TRURO AND VICINITY.

Legislative
Records of the
Council,
xxxviii., 14.
Mass.
Archives,
ccxv., 69.

ON THE PETITION of Reuben Higgins signed ø order of Select Men & Committee of Truro,

Resolved

Mass.
Archives,
ccxv., 70.

That the Board of War be & they are hereby directed to furnish the Town of Truro with two Field peices two or three pounders & Carriages for the same; & thirty rounds of Grape shot, & twenty Iron balls for each s^d field peices & powder Equivalent if necessary Also

Resolved That a Number of Men, not exceeding thirty, including one Captain, one Lieutenant & two Serjeants be raised in said Town of Truro & the neighbouring Towns, as shall be most convenient whose Business it shall be constantly to exercise, use & improve said two field peices, together with two other peices of Cannon already at Truro, or in the Neighbourhood thereof, for the Annoyance of our Enemies, & for the protection and Defence of those parts as the Exigencies of the Case may or shall from time to time require. The Establishment & Rations for said thirty men to be the same with those last allowed to the men raised for the Defence of the Sea Coasts and the Council are desired to appoint the officers. & to give directions for Effectually preventing all Intercourse with the British men of War in the harbour or on the Coast of Cape Cod. [*Passed August 15.*]

CHAPTER 261.

RESOLVE DIRECTING THE COMMISSARY TO DELIVER AMMUNITION TO THE SELECTMEN OF ROCHESTER.

Legislative
Records of the
Council,
xxxviii., 15.
Mass.
Archives,
ccxv., 73.

WHEREAS it Appears to this House, that the Select Men of the Town of Rochester did Supply a number of Soldiers in the Service of this State, with 30 w^t of Powder, and 68 w^t of Ball being part of the Stock of amunition belonging to Said Town, agreeable to a Resolve of a Congress of the then Province of the Massachusetts Bay att Watertown June 27th 1775 therefore

Mass.
Archives,
ccxv., 74.
Legislative
Records of the
Council,
xxxii., 173.

Resolved that the Commissary of this State be and he is hereby directed to Deliver to Said Select Men Said quantity of amunition and also an allowance for transporting the Same. [*Passed August 15.*]

CHAPTER 262.

RESOLVE DIRECTING THE TREASURER TO CREDIT STATE AGENTS WITH THE AMOUNT DUE FOR ARTICLES DELIVERED THE BOARD OF WAR.

Legislative
Records of the
Council,
xxxviii., 15.
Mass.
Archives,
ccxv., 71.

Resolved that the Treasurer of this State be & he hereby is impowered & directed to pass to the Credit of the Agents of this State the amo^t of such articles as they have deliver'd to the Board of War & for which the s^d Board have not paid them & to charge the same to the Board of War in part of the appropriation made them by this Court. [*Passed August 15.*]

Mass.
Archives,
ccxv., 72.

CHAPTER 263.

RESOLVE RELATIVE TO SUPPLYING TOWNS WITH SALT.

WHEREAS by a Resolve of the General assembly of this State Bearing date in June Last the Agents of Said State were directed to Furnish to a Number of Towns a Certain Quantaty of Salt Each, at 10/ ~~p~~^r Bushel as Published in the Boston Papers Giving Notis to Said Towns thereof and whearas the Quantity of Salt in the Agents hands was found Insufficient to furnish the Same.

Legislative
Records of the
Council,
xxxviii., 16.
Mass.
Archives,
ccxv., 77.

Therefore

Resolved that the Board of War be and they are hereby Directed to deliver the Selectmen of Such Towns as have not Received their part of the Same, as Soon as they Shall have a Sufficient Quantity on hand over and above what Shall be Necessary for the State Stores Said Select men applying and paying for the Same as Above. [*Passed August 16.*]

CHAPTER 264.

RESOLVE PROVIDING THAT GUARDS SHALL BE SUBJECT TO MILITARY RULES AND REGULATIONS.

WHEREAS it has been Represented to this Court that some of the militia detached as Guards to the Continental or State Stores, have in some Instances kept their Guard negligently; in other Instances have left their Post and gone to their respective homes. And Whereas a doubt has arisen what rules or regulations they are to be Governed by, Therefore

Legislative
Records of the
Council,
xxxviii., 17.
Mass.
Archives,
ccxv., 81.

Resolved That all such persons as have been or shall hereafter, be detached from the Militia of this State for the purpose of keeping guards as aforesaid Shall be subject to & governed by the Rules & Regulations Provided for the Government of the forces in the Service and pay of this State; and the Continental General Commanding in this State is hereby Impowered to appoint General Courts Martial and to approve or disapprove of the Sentences of such Courts Martial as he shall Judge Just & Equitable according to the aforesaid Rules and regulations. [*Passed August 16.*]

CHAPTER 265.

RESOLVE EXCUSING SELECTMEN FROM PROVIDING CAMP-KETTLES.

WHEREAS by a Late Resolve of this Court for raising one sixth part of the able bodied men in the Militia in several Counties in this state mentioned in said Resolve the select men of the several towns from which the said Detachment is to be raised are Directed to provide Camp-Keetles for the men raised in their Respective towns —

Legislative
Records of the
Council,
xxxviii., 17.
Mass.
Archives,
ccxv., 82.

And whearas it appears to this Court that a sufficient number of Camp-Keetles are or will be otherwise provided Therefore

Resolved that the select-men aforesaid be & hereby are excused from providing any Camp-Keetles for the Detachment of the Militia afores^d. [*Passed August 16.*]

CHAPTER 266.

RESOLVE PROVIDING FOR THE RELIEF AND DEFENCE OF THE INHABITANTS OF NOVA SCOTIA.

Legislative
Records of the
Council,
xxxviii., 18.
Mass.
Archives,
ccxv., 83.

WHEREAS by Letters from John Allen & Stephen Smith it appears to this Court that the Inhabitants of nova Scotia are in a distressed situation & may be subject to further depredations from the Enemy as the Expedition to have been carried on against them is layed aside therefore

Resolved that One Company of the troops raised or raising for the intended expedition aforesaid be kept in pay for their defence, & Offecered by the Council; and that the 13 barrells of Pork 37 barrells of Beef, 20 barrells of Flour & 52 barrells of Bread sent there and since ordered back, remain there for the use of the said Company & Inhabitants, to be distributed as the Council shall direct & also such a part of the Fire Arms, Ammunition & Accoutrements as have been sent as aforesaid as the Council shall judge sufficient for the said Company remain there also to be distributed as they shall direct, any order or resolve of this Court to the Contrary notwithstanding. [*Passed August 16.*]

CHAPTER 267.

RESOLVE GRANTING £3,000 TO THE COMMITTEE FOR FORTIFYING BOSTON HARBOUR.

Legislative
Records of the
Council,
xxxviii., 18.
Mass.
Archives,
ccxv., 84.
Mass.
Archives,
ccxv., 85.

Resolved that the Committee for fortifying the Harbour of Boston be & hereby are Impowered to Allow Common Labourers they now or hereafter shall in consequence of the Orders of this Court Employ four pounds p month till the last day of October next if they find it necessary, and to Enable the Committee Effectually to proceed in said Business, that a further Sum of Three Thousand pounds be granted to said Committee they to be accountable to this Court for the Expenditure of the same. [*Passed August 16.*]

CHAPTER 268.

RESOLVE FOR SUPPLYING THE POOR OF BOSTON WITH CORN AND FLOUR.

Legislative
Records of the
Council,
xxxviii., 18.
Mass.
Archives,
ccxv., 86.

ON A PETITION of the Committee of Correspondence inspection & Safety for the Town of Boston, Praying that the Poor may be Supplied with a quantity of Bread Corn.

Resolved that the Board of War be and are hereby directed to deliver to the Selectmen for the Use of the Poor inhabitants of the Town of Boston five hundred Bushels of Indian Corn they paying a Reasonable price for the same. And whereas there is a large Quantity of Flour under the Care of the Commissary General in the Stores at Weston or Sudbury

Ordered that the Commissary General be and hereby is directed and Impowered to dispose of two hundred Bls Flour to the Bakers of the Town of Boston for the supply of the Inhabitants with Bread at such a Price as he shall think just & equitable the Monopoly Act Notwithstanding. [*Passed August 16.*]

CHAPTER 269.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO DELIVER HATS TO LIVINGSTON & TURNBULL AND SUNDRY ARTICLES TO THE CONTINENTAL AGENT FOR THE SHIP RANGER.

Legislative
Records of the
Council,
xxxviii., 19.
Mass.
Archives,
ccxv., 78.

Resolved that the Committee of Sequestration be & hereby are directed to deliver to Livingston & Turnbull 376 Hats, & the Articles in the annex'd Schedule to Jn^o Bradford Esq. Continental agent, for the Use of the Ship Ranger at such Prices as they the s^d Comm^e shall judge equitable the monopoly Bill notwithstanding. [*Passed August 16.*]

Mass.
Archives,
ccxv., 79, 80;
ccxxxiv., 64.
Province
Laws, v., 583,
chap. 14.

CHAPTER 270.

RESOLVE VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS OF THE GENERAL COURT.

WHEREAS it may be of Public Utility that, untill the next sitting of the General Court, certain powers should be vested in the Council, other than those with which they are ordinarily Cloathed therefore

Legislative
Records of the
Council,
xxxviii., 20.
Mass.
Archives,
ccxv., 75.

Resolved That the Hon^{bl} Council during the recess of this Court & untill the next sitting of the General Court be and hereby are fully authorized and impowered to nominate & appoint, as Occasion may require, such Commission Officers in any of the Land Forces, Armed Vessells or Vessels of War in the Service and pay of this State and also in the militia, whose places, by Death or otherwise are vacant, as to them shall appear necessary, and put them under the Command of such other officer, or officers as they shall Judge proper

Mass.
Archives,
ccxv., 48.

AND it is

Resolved that the Council during the recess Aforesaid be & hereby are also impower'd & authorized to treat with any Indians that may arrive in this State, & make such provision for them as they may Judge necessary

AND it is also

Resolved that the major part of the Council during that time shall have full power & authority to Examine, allow, & pass upon the pay rolls of the Sea Coasts men & their Commissaries Accounts, & also the pay Rolls of the Militia who have been in Service, any Act or Resolve to the Contrary notwithstanding; and that any seven of them be & they hereby are Impowered to Grant Warrants upon the Treasury for the Payment of the Same, & the Treasurer of this State is hereby directed to pay any such Warrants.

And whereas the present Situation of Machias & the parts adjacent in this Government may require particular Regulations & Supplies during the recess of this Court as aforesaid, it is therefore

Resolved that the Major part of the Council during that time Shall have full power & authority to make Such Regulations, & Supplies of Men & Provisions as to them shall appear absolutely necessary to the Safety of that part of the State. [*Passed August 16.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TENTH DAY OF SEPTEMBER. A.D. 1777.

CHAPTER 271.

RESOLVE IMPOWERING THE SOUTH PRECINCT OF POWNALBOROUGH
TO CHOOSE A COLLECTOR OF TAXES.

Legislative
Records of the
Council,
xxxviii., 26.
Mass.
Archives,
ccxv., 249.

Mass.
Archives, ccxv.,
249½, 250.

Resolve'd that the South Precinct in the Town of Pownalborough be and hereby is impowered to call a meeting of the Freeholders & other Inhabitants of said Precinct (Qualified by Law to Vote in Town affairs) to Choose a Collector in the Stead of Roger Smith who was chosen by S^d Precinct in march A.D. 1775 one of the Collectors of Said Precinct & who afterwards refused to Serve, hereby fully impowering Such Collector who Shall be Chosen at Said meeting in stead of said Smith, to Collect all Such Taxes as remain uncollected by reason of the Said Smiths refusing to Serve & to do all other Matters which a Collector chosen at the annual Meeting in the Month of March might legally do. [*Passed September 12.*]

CHAPTER 272.

VOTE ON LETTER OF GEN^L HEATH STATING THAT MEN DRAFTED
FOR SERVICE LACKED ARMS, ACCOUTREMENTS AND BLANKETS.

Legislative
Records of the
Council,
xxxviii., 27.
Mass.
Archives,
ccxv., 253.

Mass.
Archives,
ccxv., 251, 252.
Legislative
Records of the
Council,
xxxviii., 25.

THE COMMITTEE of both Houses to whom was referred the Consideration of the within Letter beg leave to Report that the Resolve of the General Court of the 10th of June last is sufficient to arm & accouter the Soldiers referred to, in the Generals Letter, and that the Secretary be directed to furnish General Heath with a Copy thereof.

In Council

Read & Accepted

In the House of Representatives

Read and concurr'd. [*Passed September 13.*¹]

CHAPTER 273.

RESOLVE DESIRING MAJ. GEN^L GATES TO APPOINT AND COMMISSION
OFFICERS TO FILL UP VACANCIES IN THE NORTHERN ARMY.

Legislative
Records of the
Council,
xxxviii., 28.
Mass.
Archives,
ccxv., 254.

WHEREAS a doubt has arisen to whom it of Right belongs to fill up the Vacancies that have already or that may hereafter happen in the Battalions belonging to this State. Therefore

¹ This date is September 12 according to Legislative Records of the Council.

Resolved that the Honorable Major General Horatio Gates be and he hereby is desired; untill the further order of the General Court, to Appoint & commissionate such Officers belonging to this State under his command, as will most promote the Good of the Service; to fill up such Vacancies as have or may hereafter happen in any of the Battalions Belonging to this State in the Northern army. [*Passed September 13.*]

CHAPTER 274.

RESOLVE REPEALING THE RESOLVE TO PREVENT THE EXPORTATION OF RUM, MOLASSES, SUGAR, ETC.

WHEREAS the Resolve of this Court passed the 5th of February last, prohibiting the exportation of Rum, Molasses, Sugar, and divers other Articles therein mentioned, as well by Land as Water, hath been found detrimental to the Commercial Intercourse which ought to be kept up between this and the Neighbouring States. Therefore

Resolved That the said Resolve of the 5th of February last and every part thereof be and hereby is repealed. [*Passed September 15.*]

Legislative
Records of the
Council,
xxxviii., 28.
Mass.
Archives,
ccxv., 257.

Province
Laws, xix., 808,
chap. 877.

CHAPTER 275.

RESOLVE ON THE PETITION OF RUTH OTIS.

UPON THE MEMORIAL of Ruth Otis Wife of Ja^s Otis Esq^r shewing that she is in possession of a Province note dated the 20th June 1774 for Two thousand & thirty two pd^s LM^y given by the late Treasurer Gray to the s^d Ja^s Otis Esq^r and praying that the Treasurer of this State be directed to pay her one Year's Interest which became due thereon the 20th of last month

Resolved, that the Treasurer & Receiver-General of this State be & he hereby is directed to pay the Possessor of said Note the one Year's Interest due thereon. [*Passed September 15.*]

Legislative
Records of the
Council,
xxxviii., 29.
Mass.
Archives,
ccxv., 255.

Mass.
Archives,
ccxv., 256.

CHAPTER 276.

RESOLVE ON THE PETITION OF CALEB DAVIS.

ON THE PETITION of Caleb Davis praying that Sundre articles Left by Archb^d Cunningham now in Possession of the Committee of Sequestration may be Delivered him

Resolved that the prayer of the S^d Petition be Granted and the S^d Committee are hereby Ordered and dericted to deliver to the S^d Caleb Davis Agent to y^e Estate of said Cunningham all the Effects in their hands which ware Left by S^d Archb^d Cunningham in the Town of Boston. [*Passed September 15.*]

Legislative
Records of the
Council,
xxxviii., 30.
Mass.

Archives,
ccxv., 255.

Mass.
Archives, ccxv.,
259, 259½.

CHAPTER 277.

RESOLVE PROVIDING FOR THE DEFENCE OF MACHIAS.

Legislative
Records of the
Council,
xxxviii., 33.
Mass.
Archives, ccxv.,
261-263.

Mass.
Archives,
ccxviii., 119.
Legislative
Records of the
Council,
xxxviii., 25.

THE COMMITTEE of both Houses to whom was referred the Consideration of the letter from John Allan Esq^r and Others from Machias, have attended that Service and Beg leave to report the following Resolves.

ARTEMAS WARD p order

Resolved that, Three hundred men including officers be immediately Raised By inlistment in the Eastern parts of this State; To the Eastward of the County of Cumberland, and formed into three Companies consisting of 100 men Each Including officers Each Company to be commanded by one Captain one first Lie^t one Second Lie^t and one Ensign, the whole to be commanded by Lie^t Colonel Phineas Nevers & Major George Stillman and that they be commissioned accordingly, and the whole to be Stationed at Machias and to Continue in Service to the last day of December next unless sooner discharged. It is also

Resolved that one hundred Stand of fire Armes be lodged in the hands of Lie^t Colonel Nevers to be taken out of those now there belonging to this State, to be by him (in case of necessity) delivered to such of the Militia in that part of this State as shall assemble at Machias on an alarm and shall be destitute of Fire armes, the said Nevers to be accountable for the same.

Resolved that two Nine pounders and one six pounder with fifty rounds of Powder and Ball for Each be sent to Machias and delivered to Lie^t Colonel Nevers commanding officer there with Five hundred weight of Powder and fifteen hundred weight of Musquet Balls and one thousand flints for the use of the Garrison in that place.

Resolved that John Allan Esq^r be and he hereby is appointed Colonel to Command the Indians in the Eastern parts of this State and the Council is hereby desired to Commissionate him accordingly,

And it is further

Resolved that John Allan Esq^r be, & he is hereby authorized to take into the Service and pay of this State Such and somany of the Eastern Indians as he shall be able to procure, & think proper.

Resolved that the men that shall Enter the s^d Service aforesaid under Lie^t Colonel Nevers, and Such Indians as shall enter the Service as aforesaid under said Allan shall have the same pay and Subsistance that the Continental Army have. And that Cap^t Dyer & Cap^t Wests companys who went to S^t Johns with John Allan Esq^r have the same Pay and Subsistance. And that the Militia who marched to Machias at the late attack there be allowed the same pay that the Militia have had in Similar Cases.

Resolved that a Truckhouse be Furnished at Machias with the following Articles for the Supply of the Indians (viz) 500 Bushels Indian Corn, 30 Barrels Flower 15 firkins hogs Lard, 20 Barrels Pork 3 Hogshead Molasses 2 ditto rum 3 Pipes Small wines 20 Barrels Cyder 6 Pieces white Blankets 30 pieces Blue Stroudes 2 pieces fine Blue Drab 2 D^o fine Scarlet D^o 7 dozen midling shirts 3 dozen fine Ruffle D^o 2 Boxes Small pipes with nubs at the heels a Quantity of Wampum 500 w^t Powder, fifteen hundred weight of Shot & musquet Balls 100 w^t thread 6 Bags Vermillion 50 Guns 100 Small hatchets round heads and that they be all delt out to the Indians on the most reasonable terms possible by the Truck master. And also that a letter be addressed to the Indian Chief thanking him and them for their gallant Behaviour and friendly

aid at Machias in the late attack there and to Congratulate them on account of the Success of their and our armes in that Quarter.

Resolved that John Allen Esq^r be and he hereby is permitted to write a Letter to his father & such other persons in Nova Scotia as he shall think proper to procure his familys & Others to be conveyed from thence to some part of this State.

Resolved that the Board of War be and hereby is directed to convey Such quantity of Provision to Machias as will be Sufficient With what is already there belonging to this State to Supply the men ordered there by these Resolves to the last day of December next, and to replace the Provisions borrowed of the Inhabitants for the S^t Johns Expedition and not yet paid, And also furnish the Truckhouse and Lie^t Colonel Nevers agreeable to the foregoing Resolves.

Resolved that the Council of this State be and hereby are desired to appoint and Commissionate the Officers and give out Inlisting orders accordingly for the 300 men aforesaid & send Nine Blank Commissions to John Allan Esq^r for three Indian Captains and Six Indian Lieutenants to be by him filled up and given to Such as he shall think proper, that shall Enter into the Service of this State

Resolved that L^t Coll Nevers appoint to the Troops to be raised & Stationed at Machias as afores^d one good Surgeon upon the pay & subsistence of Surgeons in the Continental army, & that the Board of War be directed to Supply him with medicines.

And whereas there are at Machias two Companies under the command of Captains West and Dyer, who have done duty and behaved well in the late Action at Machias

Therefore

Resolved that the said Companies be compleated, to the number first directed for them, and remain for the same Term of Time, and on the same Establishment as are provided for the three hundred Men mentioned above, and be under the command of Lieut. Coll. Nevers.

In the House of Representatives

Read and accepted

In Council

Read & Concurred. [*Passed September 16.*]

CHAPTER 278.

ORDER PERMITTING MALACHI SALTER TO PROCEED TO HALIFAX AND RETURN.

UPON THE PETITION of Malachi Salter praying for Liberty to depart this State for Halifax and to return with his Family & Effects to settle in this State. Read &

Ordered that the Prayer of Said Petitioner be granted and that the Petitioner have and he hereby has Permission to proceed to Halifax for the Purpose of bringing his Family and Effects from thence into this State and it is hereby recommended to all Commanders of armed Vessels and others to suffer the Said Cap^t Malachi Salter to pass from this Port to Halifax and from thence to Boston in the State of Massachusetts Bay without Molestation or hindrance. [*Passed September 17.*¹]

Legislative
Records of the
Council,
xxxviii., 29.
Mass.
Archives,
ccxv., 272.
Mass.
Archives,
clxxxiii., 136

¹ This date is September 15 according to Legislative Records of the Council.

CHAPTER 279.

RESOLVE FOR RAISING 3,000 MEN FOR A SECRET EXPEDITION.

Legislative
Records of the
Council,
xxxviii., 30.
Mass.
Archives, ccxv.,
264-269a.
Mass.
Archives,
ccxv., 260.

Resolved, That the Brigadiers of the Several Counties in this State hereafter mentioned, be & they hereby are directed to detach, on or before the 25th day of Sep^r Ins^t, three thousand able-bodied effective men, from the training Band & alarm Lists, to be joined by one full Company from Col^o Crafts Regiment of the train, on a Secret Expedition, to continue in Service thirty days from the first day of Oct^r next, unless Sooner discharged, & be under the command of Such General Officer as the Council shall direct (viz^t) From the County of Bristol 1000 men, from the County of Plymouth 900, from the first Regiment in the County of Barnstable 180, from the Second Regim^t in the County of Barnstable 120, from the first Regim^t in the County of Suffolk 50, from the third Regim^t in the County of Suffolk 50, from the fifth Regim^t in the County of Middlesex 50, from the third Regim^t in the County of Worcester 50, from the fourth Regim^t in the County of Suffolk 400, & from the Boston Regim^t 200 The aforesaid 3000 men to be formed into 4 Battalions, each to consist of 8 Companies, each Company to Consist of, as near as may be, 86 Non-commissioned officers & Privates, & be under the command of one Cap^t & 3 Lieu^{ts}; the said Battalions to be formed by the Brigadiers of the aforesaid Counties, in the following manner; That 800 detached from the County of Plymouth be formed into one Battalion, to be commanded by one Col^o, one Lieu^t Col^o, & one Major detached from the Militia: 800 of the men detached from the County of Bristol, be formed in like manner, into one Battalion; the 400 men detached from the fourth Regiment in the County of Suffolk, 50 from the first Regim^t in Said Suffolk, 50 from the third Regim^t in Suffolk aforesaid, 50 from the fifth Regim^t in the County of Middlesex, 50 from the third Regim^t in the County of Worcester, & 100 from the County of Plymouth, be so formed into another Battalion: The other Battalion to be made up of the remaining 200 men to be detached from the County of Bristol, with those from the County of Barnstable & the Boston Regim^t; and that Barnstable, furnish the Col^o; Boston, the Lieu^t Col^o; and Bristol, the Major: That all officers and Privates shall receive the monthly pay allowed the Continental Battalions, & over & above the Continental Establishment, there shall be paid by this State to each noncommissioned officer and private Soldier 20/ p^r Month.

And it is further

Resolved, That each Town in the aforesaid Counties, within the limits of the Detachments aforesaid, shall take care to furnish their Soldiers, who are unable to furnish themselves, with a good Fire-arm, Bayonet, Cartouch Box, Knapsack & Blanket, & if the Soldiers shall desire it, the Selectmen of each Town shall pay their respective detachments mileage & for carrying their Packs to the place of their destination immediately on their being ordered to march, 3 pence p^r Mile, & prefer their accounts of the Same to this Court for allowance & payment. And the Brigadiers & all officers of the Militia of the aforesaid Counties & the Selectmen of the Several Towns within the limits of the detachments aforesaid, are hereby directed to See to it that the detachment of their respective Counties & Towns, are compleatly accoutered on or before the said 25th day of Sep^r ins^t, & be in actual readiness to march on the Shortest notice; & the Brigadiers are directed to

form the said Detachm^{ts} into Regim^{ts} as above directed; & the Several Colonels who may be detached to command the Battalions aforesaid, are enjoined to appoint for their Respective Regim^{ts}, one adjutant, one Quarter-master, one Surgeon & one Surgeons mate; & the Brigadiers shall appoint one Brigade-Major to each Brigade.

And it is further

Resolved, that any person who Shall be detached as aforesaid, who shall not in 24 hours after he is so detached, hire a man in his room, to the acceptance of the officer that detached him, or Shall refuse to equip himself, or march when ordered by his commanding officer, shall be considered as a Deserter, & punished accordingly.

And it is further

Resolved, that the Council be, & they are hereby desired to give their orders to the two Brigadiers who shall be appointed for this Expedition by this Court that they prepare themselves on or before the said 25th day of Sep^r to take the command of the aforesaid Detachm^{ts} formed into two Brigades; The Suffolk, Middlesex, Worcester, Barnstable, & Surplusage of the Bristol Battalions to form one Brigade; the other Two to form the other, & be in readiness to march the Brigades aforesaid to the place of their Destination on the Shortest notice; & that the Council give orders to Brigadier Godfrey to march 500 of his Brigade three days before the march of the whole, also direct the Board of War to furnish the aforesaid Brigadiers with 500 Camp Kettles, fifty thousand Cartridges, & two Howitzers, & transport them where the Council Shall direct; and at such time as the Council may think proper, give their orders to the aforesaid Brigadiers to march the aforesaid Brigades, under such Brigadiers as the Court may appoint, to annoy the Enemies of the united States where they may think proper; and also give their order to Col^o Craft to detach one compleat Company of his Regim^t to march as aforesaid. and the Council are hereby further desired to forward by Express Letters directed to his Excellency the Gov^r of the State of Connecticut, & his Excellency the Gov^r of the State of Rhode-Island & Providence Plantation, acquainting them with the doings of the General assembly of this State in the premises, that they may co-operate with us: and that the Council also write to General Spencer informing him of the preparations we are making for a Secret Expedition

also

Resolved, that any able-bodied men, belonging to any of the aforesaid Counties, not detached as aforesaid, may enlist themselves as Volunteers into the aforesaid Service, & may form themselves into like Companies as aforesaid, under officers of their own electing, & joining themselves to either of the aforesaid Regiments; Shall be entituled to like pay & Subsistance with the said Detachment. [*Passed September 17.*¹

CHAPTER 280.

RESOLVE PROVIDING THAT JOHN HILL BE EXCHANGED FOR LIEUT. JOHN CALLENDER.

ON THE PETITIONS of John Hill now a Prisoner in Boston Goal, and Hepzebah Callender of Boston, praying that the said Hill may be exchanged for Lieu^t John Callender now a Prisoner in New York,

Resolved, that Robert Pierpont Esq Commissary of Prisoners be,

Legislative
Records of the
Council, 37.
Mass.
Archives,
ccxv., 270.

¹ This date is September 16 according to Legislative Records of the Council.

Mass.
Archives,
cxxxiii., 137,
133.

and hereby is ordered and directed to send forward to New York or to Halifax the said Hill to be exchanged for the said Callender, agreeable to the Proposal of Joshua Loring Esq^r, Commissary of Prisoners in New York, of 26th June 1777. [*Passed September 17.*]

CHAPTER 281.

RESOLVE APPOINTING JOHN ALLEN, ESQ^R, COLONEL OF THE TROOPS TO BE STATIONED AT MACHIAS.

Legislative
Records of the
Council,
xxxviii., 38.
Mass.
Archives,
ccxv., 271.

WHEREAS Colonel John Allan is Appointed to the Chief Command of the Eastern Indians that now are or that may soon be taken into the Service and pay of this State. And it appearing to this Court that it will greatly promote the Service of the United American States; to have the same person Commander of the Troops ordered to be raised by the Resolve of yesterday and Stationed at Machias, that is appointed over the Indians: Therefore

Resolved that John Allan Esq^r be and he hereby is appointed Colonel of the Troops Ordered to be raised and Stationed at Machias by the Resolve of yesterday, And is hereby directed and Impowered to Receive all the Stores directed to be delivered to Lie^t Colonel Phineas Nevers by the afores^d Resolves and the Board of War are hereby directed to Govern themselves accordingly. And the Council are desired to Commissionate the said Allan agreeable to this Resolve. [*Passed September 17.*]

CHAPTER 282.

RESOLVE IMPOWERING THE TOWN OF PLYMOUTH TO CHOOSE A COLLECTOR OF TAXES.

Legislative
Records of the
Council,
xxxviii., 38.
Mass.
Archives,
ccxv., 273.

ON THE MEMORIAL of the Hon. James Warren Esq^r Agent for the Town of Plymouth setting forth that said Town is destitute of a Collector of Taxes owing to a neglect in choosing one at the annual meeting held there in march last &c:

Mass.
Archives,
ccxv., 274.

Resolved that the Selectmen of said Town be and hereby are impowered & directed to call a Meeting of the Inhabitants thereof qualified by Law to vote in Town Affairs, for the purpose of choosing a Collector or Collectors of Taxes as they shall think proper, which choice shall be as valid to all intents and purposes as if it had been made at their Annual meeting in march last. any Law to y^e Contrary notwithstanding. [*Passed September 17.*]

CHAPTER 283.

RESOLVE ON THE PETITION OF BENJAMIN WHEELER AND OTHERS OF WHEELERSBOROUGH (HAMPDEN, ME.).

Legislative
Records of the
Council,
xxxviii., 36, 37.
Mass.
Archives,
ccxiv., 275, 276.

ON THE PETITION of Benjamin Wheeler Ephraim Grant and Thomas Campbell a Committee of Settlement called Wheelersborough

Resolved that the above named Petitioners or either of them Serve Colonel Josiah Brewer Jon^a Lowder and Andrew Gilman or either of them with a Copy of said Petition and Depositions accompanying said Petition and this Order thirty Days before the second Wednesday of the next sitting of this Court and that the

said Josiah Brewer Jonathan Lowder and Andrew Gilman be and they hereby are directed to attend this Court on the aforesaid Second Wednesday of the next sitting thereof, to make answer to the Petition aforesaid. [*Passed September 18.*]

CHAPTER 284.

APPOINTMENT OF TIMOTHY DANIELSON AND SOLOMON LOVELL AS BRIGADIERS OF THE FORCES RAISED FOR A SECRET EXPEDITION.

In the House of Representatives

The House unanimously made choice by ballot of The Hon Timothy Danielson & Solomon Lovell Esq^{rs} as Brigadiers to command in the Secret Expedition to be carried on agreeable to a Resolve pass'd the General Court this Day.

In Council

Read & Concurred. [*Passed September 18.*]

Legislative
Records of the
Council,
xxxviii., 39.
Mass.
Archives,
ccxv., 277.

CHAPTER 285.

RESOLVE PERMITTING SARAH FIELDING AND OTHERS TO PROCEED TO HALIFAX.

Resolved That Sarah Felding Sarah Brookland Mary Clarke and Ann Robinson be permitted to go to Hallifax in the next Cartel agreeable to the prayer of their Petitions. [*Passed September 18.*]

Legislative
Records of the
Council,
xxxviii., 41.
Mass.
Archives,
ccxv., 278.

Mass.
Archives,
ccxv., 279;
clxxxiii., 139-
143. Legislative
Records of the
Council,
xxxviii., 35,
36 *ter*.

CHAPTER 286.

RESOLVE ON THE PETITION OF THOMAS STINSON AND OTHERS OF WOOLWICH.

ON THE PETITION of Thomas Stinson, and others, to the number of Thirty two of the Inhabitants of Woolwich, praying to be released from paying Taxes to the Congregational Minister of said Woolwich, that they may be enabled to maintain the Gospel according to the Presbyterian form, that being most agreeable to their Consciences.

Resolved, That the Petitioners notify the remaining part of said Woolwich, to shew Cause, if any they have, why the prayer of the Petition should not be granted, on the Second Wednesday of the next Sitting of the General Court, by serving the Clerk of said Woolwich, with a Copy of said Petition, and this Order, Twenty Days at least, before the said Second Wednesday of the next Sitting of the General Court. [*Passed September 18.*]

Legislative
Records of the
Council,
xxxviii., 41.

CHAPTER 287.

RESOLVE DIRECTING THE BOARD OF WAR TO FORWARD CLOTHING AND SUPPLIES TO THE NORTHERN ARMY.

Resolved, that the Board of Warr be & they are hereby directed without Delay to provide Two thousand one hundred & seventy one Blanketts Six thousand six hundred & ninety one pair of Shoes of the three largest Sizes Four thousand & seventy eight pair of

Legislative
Records of the
Council,
xxxviii., 40.
Mass.
Archives,
ccxv., 281-282a.
Mass.
Archives,
ccxv., 304.

Woolen Breeches & four hundred & fifty Watchcoats and two thousand Shirts or as many of the above Articles not exceeding the above Number as can be procured, & deliver the same as fast as provided to the Committee for Supplying that Part of the Army raised in this State with Slops & other Stores & the said Committee are Directed to forward the Articles to the Commissarys appointed by this State in the Northern Department to be by them Distributed among the Troops raised in this State according to y^e Direction the said Commissary may receive from the Hon^{ble} Major Generall Gates. And Whereas its represented [that] our Northern Army are in Want of [many] of the Necessaries & Conveniences for an A[rmy] and that large Quantities of Rum Sugar Port Wine Oat Meal Rice &c now lay in the Continental Stores at Springfield & Westfield therefore

Resolved that the Hon^{ble} Major Generall Heath be & he hereby is desired to take the most effectual Measures to have such Quantities of Rum Port Wine Sugars Rice Oatmeal &c as he may think proper, forwarded to the American Army in the Northern Department that they may be made comfortable. [*Passed September 19.*¹]

CHAPTER 288.

ORDER ON THE PETITION OF SIMEON HOWARD.

Legislative
Records of the
Council,
xxxviii., 42.

ON A PETITION of Simeon Howard, Setting forth, that at the Inferior Court of Common Pleas held at Charlestown in March One thousand Seven hundred and Seventy two, he was Defaulted in an Action Commenced against him by Phebe Dana, since Deceased, that being then out of the Province, he knew nothing of said Action, and therefore praying that the Court now sitting at Concord, may be Impowered to try said Action, the Default thereof notwithstanding.

Ordered, That Simeon Howard, the Petitioner, notify Abraham Watson the Adverse Party, by leaving an attested Copy of his Petition, and this Order, with him the said Abraham, on or before the Twenty Seventh Day of September Current, that he shew Cause, if any he hath, on Tuesday the Thirtieth Current, why the Prayer thereof should not be granted. [*Passed September 19.*]

CHAPTER 289.

RESOLVE FOR REPAIRING THE ROADS THROUGH THE GREEN WOODS.

Legislative
Records of the
Council,
xxviii., 43.
Mass.
Archives,
ccxv., 98.

WHEREAS it appears by the representation of General Heath that the roads through the Green woods in the Western parts of this State are almost impassable for want of repair whereby the Transportation of articles necessary for the army may be greatly impeded, therefore

Resolved that Noah Goodman Esq^r Nathaniel Kingsley Esq^r Cap^t Elijah Hunt & John Chadwick be a Committee to procure Men to repair the aforesaid roads in this State and that the Treasurer be and hereby is directed to pay unto said Committee or order the Sum of Eight hundred pounds for the purpose aforesaid.

Said Committee to be accountable to this Court for the Expenture of the same. [*Passed September 19.*]

¹ This date is September 18 according to Legislative Records of the Council.

Mass.
Archives,
ccxv., 99.

CHAPTER 290.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY CORN FOR THE USE OF THE POOR OF MARBLEHEAD, GLOUCESTER AND CHARLESTOWN.

ON THE PETITIONS of the Selectmen of the Towns of Marblehead Gloucester & Charlestown respectively praying in behalf of said Towns that they may be supplied with Bread Corn from the stores belonging to this State

Resolved that the Board of War be directed to deliver to the Selectmen of those Towns respectively or their Orders Six Hundred Bushells of Indian Corn in the following proportions viz Marblehead three hundred & thirty Bushels, Gloucester two hundred & twenty Bushels & Charlestown fifty Bushels, the said Selectmen paying therefor the like price as was paid for the Indian Corne lately delivered to the Towns of Boston & Salem, & that it be delivered from such place or store as the Board of War shall order and applied by the Selectmen of those Towns respectively for the use of the poor of those Towns, and in Case the quantity of such Corn belonging to the State is not sufficient for the above purposes that each of said Towns receive of what there is, in proportion to the number of Bushels set to each Town above. [*Passed September 19.*]

Legislative
Records of the
Council,
xxxviii., 43.
Mass.
Archives,
ccxv., 100.

Mass.
Archives,
civii., 69.

CHAPTER 291.

REPORT OF COMMITTEE AND DRAFT OF LETTER TO MAJ. GEN^L GATES.

THE COM^{TEE} of both Houses upon the Petition of a number of officers in the late Col^o Francis's Regim^t, beg leave to report the draft of a Letter, to be Signed by the President, & addressed to the Hon^{ble} Maj^r Gen^l Gates

J: PALMER p Ord^r

Legislative
Records of the
Council,
xxxviii., 40.
Mass.
Archives,
cxcviii., 174.

STATE OF MASSACHUSETTS BAY

SIR

COUNCIL CHAMBER Septem^r 19 1777

Herewith you will receive a Copy of a Resolve of the General Court of this State, respecting the filling up Vacancies in that part of the Continental Army raised by us. This also covers a Copy of a Petition from a number of officers in the late Col^o Francis's Regim^t, relative to the Same Subject; and the Court doubt not your acting therein, so as to promote the good of the Service. That heaven may bless & prosper the Arms of the United States, & particularly those of the Northern Army under your command, is the ardent prayer of the whole Court, & particularly of

Sir, with great esteem,

Your most hum^{bl} Serv^t

In Council

Read & Accepted

In the House of Representatives

Read and Concurred. [*Passed September 19.*]

CHAPTER 292.

VOTE ACCEPTING RESIGNATION OF HON. TIMOTHY DANIELSON
AS BRIGADIER OF THE FORCES RAISED FOR A SECRET EXPEDITION.STATE OF MASSACHUSETTS Bay Sep^r 18 1777.

Legislative
Records of the
Council,
xxxviii., 39.
Mass.
Archives,
ccxv., 280.

To the Hon^{ble} Council and Hon^{ble} House of Representatives

May it please your Honors Sensible of the Honor done Me in assigning Me the Command of a Brigade on a Secret Expedition, return my sincere Acknowledgements, while I barely mention the Disaffection that may arise among the troops, by my Appointment to the Command of a Brigade in which no Parts of the Militia Companies of my own County are formed, must especially urge the Situation of my Brother who is imprisoned for killing a Man, and likely may be brought to Tryal at the Superiour Court, next week or the week after — The tender Feelings of a Brother irresistably call me to his assistance. Under such delicate Circumstances your Honors will not think strange that I ask your Leave to resign the Appointment. At the same Time it may be called fashionable among Gentlemen of the first Rank early engaged in the american Cause, on the most slender Pretences to make such Resignations, when called upon in the Defence of their Country to fill a Post of Danger. However cannot esteem such Patriotism therefore shall refer it to the high sensibility & Humanity of your Honours, whither it is possible for a Man of Feeling to forget a Brother under such Circumstances, and am

Your Honors most obedient very humble Ser^tTIM^o DANIELSON

In Council,

Read and the Resignation above accepted

In the House of Representatives

Read and Concurr'd. [*Passed September 19.*]

CHAPTER 293.

Legislative
Records of the
Council,
xxxviii., 44.
Mass.
Archives,
ccxv., 101.

APPOINTMENT OF JOSEPH PALMER AS ONE OF THE BRIGADIERS
TO COMMAND FORCES TO BE RAISED FOR A SECRET EXPEDITION.

In the House of Representatives

The House made choice by ballot of the Hon Joseph Palmer Esq as a Brigadier to command in the Secret Expedition, to be carried on agreeable to a Resolve pass'd the 17th current, in the room of Brigadier Danielson who has resign'd.

In Council

Read & Concurred. [*Passed September 19.*]

CHAPTER 294.

RESOLVE FOR FURNISHING CERTAIN SOLDIERS WITH FIRE ARMS
AND BLANKETS.

Legislative
Records of the
Council,
xxxviii., 45.
Mass.
Archives,
ccxv., 102.

Resolved that the Commissary General be & he hereby is Directed to deliver each Soldier that is or may be drafted or procured to Serve in the Continental army for the term of Eight months by any town in this State, that have not marched to

Join the army, one Fire arm and accoutrements Valueing the Same at four Pound ten Shillings, takeing their Receipts for the same to be returnd into the Commissary Generals Store when Dischargd from the Service and In case of Failure the Town or Towns from which said Soldier or Soldiers were Drafted be and hereby are Ordered to pay for the same into the Hands of the Commissary General And it is further

Resolved that the Board of War be & hereby are directed to deliver each Soldier above mentioned when ready to march one Blanket taking his Receipt therefor and the town or Towns from which said Soldiers were Drafted be & hereby are ordered to replace their Several proportion of Blanketts so deliverd according to the number of Soldiers from each Town or pay into the Hands of the Board of War the sum of twenty four shillings for each Blanket not so replaced, any Resolve to the Contrary notwithstanding and it is further

Resolved that the said Commissary General be accountable to the General Court for the Several sums of money he may receive for the arms & accoutrements Aforesaid. [*Passed September 20.*]

CHAPTER 295.

RESOLVE APPOINTING EPHRAIM WRIGHT ON COMMITTEE TO REPAIR ROADS THROUGH THE GREEN WOODS.

Resolved that M^r Ephraim Wright of North Hampton, be of the Committee appointed to repair the Roads through the Green Woods in the Western Parts of this State in the room of M^r Elijah Hunt excused. [*Passed September 20.*]

Legislative
Records of the
Council,
xxxviii., 47.
Mass.
Archives,
ccxv., 103.

CHAPTER 296.

ORDER APPOINTING NATHANIEL KINGSLEY A MEMBER OF THE COMMITTEE TO CONSIDER THE INCORPORATION OF A TOWN IN BERKSHIRE COUNTY.

Ordered That Capt Nathaniel Kingsley be of the Committee appointed the 5th of April last on the Petition of Elisha Freeman & others Inhabitants of part of Hartwood Great Barrington &c: and of Simon Calkins, praying the said Inhabitants may be incorporated into a Town, to repair to the Premises &c in the room of M^r Root decess'd. [*Passed September 20.*]

Legislative
Records of the
Council,
xxxviii., 47.
Mass.
Archives,
ccxv., 105.
Province
Laws, v., 739,
chap. 11; 826-
829, notes.

CHAPTER 297.

RESOLVE DIRECTING THAT 100 MEN DETACHED FROM THE BOSTON REGIMENT JOIN COL^o THOMAS CRAFTS' ARTILLERY REGIMENT.

Resolved that one hundred of the Melitia Lately ordered to be Detachd from the Boston Regem^t on A Secret Expedition for thirty Days be Annexed to Col^o Tho^s Crafts Rigem^t of artillery to be under the Command of Said Col^o Crafts or Such officers as he shall Appoint, and to do duty in Said Reg^t for the Said Term of Thirty days, Unless Sooner discharged

Legislative
Records of the
Council,
xxxviii., 47.
Mass.
Archives,
ccxv., 104.
Province
Laws, xix.,
937, chap. 1177.

and it is Further

Resolved that the Council be desired to order Col^o Crafts with all his Rigem^t (Except so many as he shall think absolutely Necessary for Caring on the works in the Labrotary), and Excepting the hundred militia ordered in the foregoing Resolve to be annexed to his Regiment, To March on the said Secret Expedition. [*Passed September 20.*]

CHAPTER 298.

RESOLVE FOR FURNISHING COL^o CRAFTS WITH HORSES AND A QUANTITY OF SHALLOON.

Legislative
Records of the
Council,
xxxviii., 43.
Mass.
Archives,
ccxv., 134.

Resolved that the Committee of Sequestration be and they hereby are directed to deliver to Coll^o Thomas Crafts five peices of Shalloon or Tammy which they may have in possession. Also that the Board of War be & they are hereby directed to furnish Coll Crafts with so many Horses as they shall think necessary by purchase or hire or if necessary by impressing them which they are by this Resolve impowered to do, The said Horses & Shalloon or Tammy to be improved by said Coll Crafts in such way as the Council of this State may direct. [*Passed September 22.*]

CHAPTER 299.

RESOLVE APPOINTING REV^d JAMES LYONS CHAPLAIN TO THE TROOPS AT MACHIAS.

Legislative
Records of the
Council,
xxxviii., 43.
Mass.
Archives,
ccxv., 97.

WHEREAS it is highly Expedient that all bodies of men Assembled in Armes and Stationed at any place for length of time, Should be Supplied with a Chaplain Therefore

Resolved that the Rev^d James Lyon Minister of the Gospel at Machias Be and he hereby is appointed Chaplain to the Troops Ordered to be Raised and Stationed at Machias under the Command of Colonel John Allan during the time the said Troops shall Continue in the Service aforesaid; The said Chaplain to be allowed & paid nine Pounds per Kalender month and three Rations per day during his Continuance in said Service. [*Passed September 22.*¹]

CHAPTER 300.

RESOLVE PROVIDING FOR THE DEFENCE OF BOOTHBAY.

Legislative
Records of the
Council,
xxxviii., 46.
Mass.
Archives,
clxxxiii., 157.

THE COMMITTEE of both Houses on the foregoing Petition [in behalf of the Town of Boothbay and the Places adjacent] have attended that Service & beg Leave to report by Way of Resolve

Resolved that the Board of War be & they hereby are directed to send to the Committee of Booth-bay they to be accountable for the same two nine & two six Pounds Iron Cannon with Carriages & Implements compleat & fifty rounds of Powder & Ball for each piece And it is further

Resolved that a Company of Fifty Men to be commanded by one Captain & two Lieutenants be raised in any Part of the Eastern

¹ This date is September 19 according to Legislative Records of the Council.

parts of this State & stationed at Booth Bay & to continue in Service untill the last Day of Decem^r next unless sooner discharg'd by Order of this Court to receive the same Pay & Subsistence as are allowed the other Sea Coast Companies in the Pay & Service of this State.

And it is further

Resolved that a Commissary be appointed by this Court to purchase & issue Provisions to the s^d Company.

In the House of Representatives

Read & accepted

In Council

Read & Concurred. [*Passed September 22.*¹]

CHAPTER 301.

RESOLVE DIRECTING THE COMMITTEE ON SEQUESTRATION TO DELIVER THOMAS CUSHING SUNDRY STORES NECESSARY FOR AN ARMED VESSEL.

UPON THE PETITION of Tho^s Cushing Esq^r

Resolved that the Committee of Sequestration be & they hereby are directed to deliver if in their Possession to the Hon^{bl} Tho^s Cushing Esq^r such Articles as he wants for the Continental Ship under his Care, he paying a reasonable Price for the same the Bill against monopoly notwithstanding. [*Passed September 22.*]

Legislative
Records of the
Council,
xxxviii., 49.
Mass.
Archives,
ccxv., 132.
Mass.
Archives,
ccxv., 133.

CHAPTER 302.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO DELIVER SUNDRY STORES TO SAMUEL GARDNER JARVIS FOR THE CONTINENTAL BOARD OF ORDNANCE.

ON THE PETITION of M^r Samuel Gardner Jarvis, Praying that the Committee of Sequestration may be Directed to deliver him, for the use of the Continental Board of Ordnance, fifty Bench Vices, One Gross Hand Ditto, fifty Screw-Plates, Three Gross of Files, Twenty pounds of Emery, two Casks white Lead, two Casks Spanish Brown, two Casks Linseed Oil, Sixty pounds Glew, five hundred Sail Needles, two dozen Palms, ten Dozen Bitted Gimblets, three Dozen Paint Brushes, twenty thousand of 14^{oz} Tacks, One Gross Pinchers, One Gross Hammers, two Dozen Rules, four Dozen plane Irons, three Cross-Cut Saws, two Dozen Rasps, two Dozen paring Chizzels three Dozen Firmers, Six Turkey-Sett-Stones, two Dozen p^r Compasses, two Dozen Ragstones, three Stock-Locks, two Dozen Black Lead Pencils, three Beck-Irons and four Anvils.

Resolved that the Committee of Sequestration be & they hereby are directed to deliver if in their possession to M^r S. G. Jarvis agent for the Continental Board of Ordnance the several articles mentioned in his Petition for the Use of s^d Board, he paying for the same at a reasonable Price the Act against monopoly notwithstanding. [*Passed September 22.*]

Legislative
Records of the
Council,
xxxviii., 49.
Mass.
Archives,
ccxv., 131.
Mass.
Archives,
ccxv., 129, 130.

¹ This date is September 20 according to Legislative Records of the Council.

CHAPTER 303.

RESOLVE IMPOWERING WILLIAM INGALLS, ADMINISTRATOR, TO
SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 50.
Mass.
Archives,
ccxv., 126.

[WHEREAS William Ingalls of Newbury-Port in the County]¹ of Essex, [Admi]ⁿistrator to [the Estate of Tim]^lothy Mackmilion late of Salem in said County Deceased intestate by his memorial Prayeth that he may be impowered to Sell the Real Estate Set forth in Said memorial.

Mass.
Archives,
ccxv., 127, 128.

Resolved that the Prayer be Granted and that the memorialist in his Said Capacity of Administrator be & hereby is Licensed and Authorized to make Sail of the whole of the Real Estate mentioned in Said memorial for the most it will fetch, and to Execute a Good Deed or Deeds there of he first obsarveing the Rules of the Law for the Sail of Intestate Real Estates Giveing proper Caution to the Judge of Probates for the County of Essex afore Said to Pay all the Just debts and Charges and the Remainder to be divided amongst the Lawfull Heirs of the Deceased as the Law Directs. [*Passed September 22.*]

CHAPTER 304.

RESOLVE FOR PAYING A BOUNTY TO THE MEN RAISED FOR THE
DEFENCE OF MACHIAS AND PLACES ADJACENT.

Legislative
Records of the
Council,
xxxviii., 50.
Mass.
Archives,
ccxv., 125.

Resolved that there be a Bounty of three pounds paid to each non Commission'd Officer & Soldier who shall before the 15th of Oct' next inlist into those Companies to be raised for the Defence of Machias & places adjacent, exclusive of those Men already re-tain'd & inlisted in the Service under the Command of Captains West & Dyer they having already received a Bounty.

And it is further

Resolved, that there be paid out of the Treasury of this State to Col^o Phineas Nevers the Sum of nine hun^d pounds He the said Nevers to be accountable to this Court for y^e expenditure of the same to be by him apply'd to the Payment of the aforesaid Bountys & be it further

Resolved that Coll^o Allen is hereby directed to station those men (raised & put under his Command) in such Places at & near Machias as he shall think most for the Safety & Defence of those Parts. [*Passed September 22.*]

CHAPTER 305.

RESOLVE IMPOWERING JOANNA MOULTON AND NICHOLAS SEW-
ALL, ADMINISTRATORS, TO EXECUTE DEEDS.

Legislative
Records of the
Council,
xxxviii., 50.
Mass.
Archives,
ccxv., 121.

WHEREAS Brigadier Jotham Moulton Bargained and sold a Tract of Land to Esuias Prebble, and a piece of salt marsh to one Joseph Shaw, but did not execute Deeds thereof in his Life Time. It is therefore

Mass.
Archives,
ccxv., 122-124.

Resolved that Joanna moulton and Nicholas Sewall admin^r of said Jotham's Estate be and hereby are authorized and impowred

¹ Inserted from Legislative Records of the Council.

to Execute Deeds of the said Land & marsh to the said Prebble and Shaw respectively their Heirs & assigns pursuant to the memorandum's Subscribed by the said Jotham in his life Time, and the conveyances that may be executed by the said admⁿ in pursuance of this Resolution shall be demed and taken as good and Valid in the Law to convey the said Jotham's right therein, as tho' the said Jotham had made and executed Deeds thereof in his life Time any Law usage or custom to the Contrary notwithstanding. [*Passed September 22.*]

CHAPTER 306.

RESOLVE DIRECTING WILLIAM SEVER, AGENT OF PRIZES, TO PAY THE TREASURER BALANCE OF HIS ACCOUNT.

Resolved that the Hon^{ble} W^m Sever Esq^r be & he hereby is directed to pay the Sum of Five thousand one hundred & thirty nine pounds 6/6¾, being the Balance due from him as agent for Prizes belonging to this State brought into the Southern District into the Hands of the Treasurer of this State, who is hereby directed & empower'd to receive & discharge him from the same by giving him two Receipts one of which shall be lodged in the Secretarys Office. [*Passed September 22.*]

Legislative
Records of the
Council,
xxxviii., 51.
Mass.
Archives,
ccxv., 106.
Mass.
Archives,
ccxv., 107-116.

CHAPTER 307.

RESOLVE PROVIDING FOR A REINFORCEMENT TO THE NORTHERN ARMY.

WHEREAS by the latest Advices from the Northern Army under the Command of Gen^l Gates, it appears that the Army under the command of Gen^l Burgoyne have far Advanced from water Carriage & by that means have rendred their retreat more difficult, & that if the Army under Gen^l Gates was Speedily & Strongly reinforced there is a great prospect, under the smiles of divine Providence of wholly destroying them, it is therefore

Resolved that it be strongly recommended that at the least one half of all the Able bodied militia officers non Commissioned officers & Soldiers in the Counties of Berkshire, Hampshire, Worcester, & Middlesex & the third & fourth Regiments of the County of Essex (excepting those officers & Soldiers of the Militia of Worcester & Middlesex who have lately been ordered on another Expedition as by a Resolve of the 16th Instant) forthwith to march in the most expeditious manner by the nearest rout to join the Army under General Gates, carrying with them Six days provision & be fully cloathed for Service, & accoutred according to Law, & to be under his Command for thirty Days after their arrival in Camp, unless Sooner dismissed, for which good Service allowance will be made by the General Court.

And that it be recommended to the Officers & Soldiers of the Militia of the County of Suffolk & Essex to hold themselves in readiness to march at the Shortest warning with Six days Provision Suitable Cloaths & accoutrements According to Law, to join the American Army at the Northward when called for And the Commanding officer of each Company who shall march in pursuance of this Order is hereby empowered to hire at y^e publick

Legislative
Records of the
Council,
xxxviii., 52.
Mass.
Archives,
ccxv., 135, 136.
Mass.
Archives,
ccxv., 117, 120,
283, 301.

expence, or if necessary to impress, as many pack horses as he judges necessary not exceeding One for every six men who shall march from their Companys Respectively s^d Horses to be sent back by one man from each town as soon as they arrive within convenient distance of our Camp. [*Passed September 22.*]

CHAPTER 308.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY CORN FOR THE USE OF THE POOR OF BEVERLY.

Legislative
Records of the
Council,
xxxviii., 52.
Mass.
Archives,
ccxv., 143.

ON THE PETITION of the Overseers of the Poor of the Town of Beverly praying a supply of Bread Corn from the State Stores

Resolved that the Board of War be & they are hereby directed to deliver to the Overseers of the Poor of said Town for the purposes mentioned in their Petition Eighty Bushells of Indian Corn if they have so much on hand not already appropriated, & if they have not that quantity then so much as they have said Overseers paying therefore the like price as was paid by other places, lately supplied from the State Stores, for that Article. [*Passed September 22.*]

Mass.
Archives,
ccxv., 144.

CHAPTER 309.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY LIEUT. COL^o NEVERS WITH GRAPE SHOT.

Legislative
Records of the
Council,
xxxviii., 53.
Mass.
Archives,
ccxv., 142.

Resolved that the Board of War, be and they Are hereby Directed, to deliver to Lieu^t Col^o Nevers, Twenty five Rounds of Grape or Cannester Shott, in addition to those Stores Already Ordered to be delivered for the use of the Troops Stationed at Michias. [*Passed September 22.*]

CHAPTER 310.

RESOLVE DIRECTING THAT EXECUTIONS BE ISSUED AGAINST DELINQUENT CONSTABLES AND COLLECTORS OF TAXES.

Legislative
Records of the
Council,
xxxviii., 53.
Mass.
Archives,
ccxv., 141.

Resolved that the Treasurer & Receiver General of this State be & he is hereby directed to issue his Executions, immediately after the expiration of thirty days from the publication of this Resolve in all the Boston News papers, against all delinquent Constables & Collectors of Taxes for such arrearages of the sums that were committed to them respectively to Collect in any Years preceeding one thousand seven hundred & seventy six; And that after the expiration of Ninety days from such publication he immediately issue Executions against all delinquent Constables or Collectors [for] the Year One thousand seven hundred & seventy six. And that this Resolve be immediately published in all the Boston & Worcester Newspapers. [*Passed September 22.*]

CHAPTER 311.

RESOLVE ALLOWING HALF PAY TO SAMUEL FOWLS.

ON THE REPRESENTATION of John Lucas Commissary of Continental Pansioners in behalf of Sam^l Fowls, late a soldier in Col^o James Fryes Regm^t & Cap^t Benj^a Farnums Comp^y and who was wounded on the Hights of Charlston

Resolved that the said Sam^l Fowls is Intitled to half pay to Comence from the 31st day of December, 1775. [*Passed September 22.*]

Legislative
Records of the
Council,
xxxviii., 54.
Mass.
Archives,
ccxv., 118.
Mass.
Archives,
ccxv., 119-119c.

CHAPTER 312.

RESOLVE PERMITTING JOHN JENKINS, A PRISONER, TO GO ASHORE ON PAROLE.

ON THE PETITION of John F. Williams, praying that M^r John Jenkins Master of the Weymouth Packet, and now a Prisoner on Board the Oliver Cromwell, may have Liberty to come on Shore for the Benefit of his Health,

Resolved that the Prayer of the Petitioner be granted and that the said Jenkins have Liberty to come on Shore from Day to Day, after Sun Rise, provided he give his Parole of Honor to behave in all Respects in an orderly inoffensive Manner, and return on Board the said Oliver Cromwell before Sunset every Evening. [*Passed September 22.*]

Legislative
Records of the
Council,
xxxviii., 54.
Mass.
Archives,
ccxv., 138.
Mass.
Archives,
ccxv., 139, 140.

CHAPTER 313.

RESOLVE ON THE PETITION OF THE SELECTMEN AND ASSESSORS OF THE TOWN OF IPSWICH.

ON THE PETITION of the Selectmen and Assessors for the Town of Ipswich.

Resolved That the Assessors of the Town of Ipswich serve Benj^a Kimball with a Copy of said Petition, and also of this Order, that he may appear on Tuesday the Seventh of October next, and shew Cause, if any he has, why the Prayer of said Petition should not be granted; and that in the mean time all processes in Law commenced against said Assessors in consequence of the Assessment mentioned in said Petition be stayed. [*Passed September 22.*]

Legislative
Records of the
Council,
xxxviii., 53.

CHAPTER 314.

ORDER OF NOTICE RELATIVE TO COMPLAINTS AGAINST ROBERT PIERPOINT, COMMISSARY OF PRISONERS.

ON THE MEMORIAL of the Committee of Correspondence &c of the Town of Boston exhibiting Complaints against Robert Pierpont Esq^r respecting his Conduct as Commissary of Prisoners.

Ordered that the said Committee or the Chairman thereof, serve the said Pierpont with a Copy of the said Memorial and this Order thereon, that he may have Opportunity on the 29th Instant

Legislative
Records of the
Council,
xxxviii., 46.
Mass.
Archives,
ccxv., 387, 388.
Mass.
Archives,
ccxv., 386.

to make Answer to said Memorial; and that the said Committee or Chairman be, and hereby are directed to serve the said Pierpont with a List of the Particulars intended by them to be exhibited against him, two Days before the time assigned for hearing their Accusations. [*Passed September 23.*¹]

CHAPTER 315.

RESOLVE PERMITTING EDWARD KING TO PROCEED TO HALIFAX.

Legislative
Records of the
Council,
xxxviii., 55.
Mass.
Archives,
ccxv., 145.
Mass.
Archives,
ccxv., 146.

ON THE PETITION of Edward King

Resolved That Robert Pierpoint Esq^r the Commissary of Prisoners be & he is hereby directed to permit Edward King to take Passage for Hallifax in the first Carteel bound to that place, where he has Children in wealthy Circumstances to take Care of him, he being aged, poor & infirm. [*Passed September 23.*]

CHAPTER 316.

RESOLVE ON THE PETITION OF LOVIS CROWE FOR LEAVE TO PROCEED TO HALIFAX.

Legislative
Records of the
Council,
xxxviii., 55.
Mass.
Archives,
clxxxiii., 152.
Mass.
Archives,
clxxxiii., 151;
ccxv., 137.

THE COMMITTEE of both Houses appointed to Consider what is best to be done upon the foregoing petition beg leave to report by way of Resolve

Resolved that the petitioner be & hereby is permitted with her Husband Jon^a Crowe & her four Children to go from hence in the first Cartel bound to Hallifax, and that the Commissary for Prisoners be, and he hereby is directed to receive the said Petitioner her husband & children, aboard the Cartel & to take care their Baggage is properly Searched.

In Council

Read & Accepted

In the House of Representatives

Read & concurd. [*Passed September 23.*]

CHAPTER 317.

RESOLVE ON PETITION OF INHABITANTS OF WEST SPRINGFIELD ASKING TO BE INCORPORATED AS A SEPARATE PARISH.

Legislative
Records of the
Council,
xxxviii., 56.

ON THE PETITION of a number of the Inhabitants belonging to the Parish in West Springfield, of which the Rev^d M^r Mackinster is Pastor, Praying that they may be incorporated into a distinct Parish.

Resolved That the said Petitioners notify the said Parish to shew cause, on the second Wednesday of the next Session of this Court, if any they have, why the Prayer of the Petitioners should not be granted, by leaving a Copy of said Petition, together with a Copy of this Resolve, with the Clerk of said Parish, at least fifteen Days before the next Session of this Court. [*Passed September 23.*]

¹ This date is September 20 according to Legislative Records of the Council.

CHAPTER 318.

RESOLVE ON THE PETITION OF WILLIAM SEVER, AGENT OF PRIZES
FOR THE SOUTHERN DISTRICT.

ON THE PETITION of the hon^{le} William Sever Esq^r praying that the Treasurer may be directed to receive the Money from him which he received as Agent for this State.

Resolved that the Treasurer of this State be and he hereby is directed to receive of the hon^{le} William Sever Esq^r all such Sums of Money as the said William hath received as Agent for this State, altho the same may be in Bills of Credit of the Neighbouring States, and to give his Receipt therefor. [*Passed September 23.*]

Legislative
Records of the
Council,
xxviii., 56.
Mass.
Archives,
ccxv., 152.
Mass.
Archives,
ccxv., 153.

CHAPTER 319.

RESOLVE ON THE PETITION OF WILLIAM PYNCHON, JUN^R, AND
JUSTIN ELY.

ON THE PETITION of William Pynchon Jun^r of Springfield & Justin Ely of West Springfield praying for five & twenty fire arms to be delivered to each of them out of the Public Stores for the use of their respective Towns, they paying for y^e Same.

Resolved that the prayer of the petitioners be granted and the Commissary General of this State is hereby directed to deliver each of the above named persons five & twenty fire Arms for the use of their Respective Towns they paying for the Same at the price which the Board of war affixed to the five hundred Stand of Arms lately distributed in the County of Hampshire, Said Arms to be disposed of agreeable to a resolve of this State passed the 8th of July last. [*Passed September 23.*]

Legislative
Records of the
Council,
xxviii., 56.
Mass.
Archives,
ccxv., 150.
Mass.
Archives,
ccxv., 151.

CHAPTER 320.

RESOLVE PROVIDING FOR PAYMENT OF WAGES AND MILEAGE
TO THE MILITIA DRAFTED TO REINFORCE CONTINENTAL ARMY.

WHEREAS Several Detachments of the Militia of this State have Marched to Reinforce the Continental army and no Establishment has Been made for Giving them a reward in Addition to the Wages and Rations they have receiv'd or may Receive from the united States, it is therefore

Resolved that there be allowed and Paid out of the Treasury of this State to the Militia that was Detached from the County of Bristol by order of Council of July 21st 1777 the Same Pay allowed by the Resolves of this Court for paying several detachments of y^e militia for their service &c. pass^d June 16 & 17 last.

And also that there be allowed and Paid to the Militia that was Detached from the Countys of Middlesex Worcester Hampshire and Berkshire by order of Council or by order of the Commanding Officer of their Respective Countys upon the alarm att Ticondiroga or upon an alarm to any of the adjacent Towns in the Same maner and agreeable to the Said Resolves of this Court Passd June 16 and 17 Provided they Continued in Service until they were regularly discharged.

Legislative
Records of the
Council,
xxviii., 57.
Mass.
Archives,
ccxv., 157.

And Whereas it is Represented that the Select men of Some Towns have followed their Militia Companys with Provision and seems to Carry their Packs and found them Pots or Kettles It is therefore

Resolved that Such Select men lay their accompts Before this Court for allowance and for finding the Soldiers Provision and Carrying their Packs they be allowed three Pence Per mile, the Commanding officer of there Respective Companys Certifying that the men Belonging to their Companys had there Packs Carried and Provision found by the Select men

and it is further

Resolved that where any of the above Said Militia have found themselves and Carried there own Packs the Selectmen of there Respective towns Pay to Each Soldier three Pence Per mile from the Place of there abode to the Place they marched and lay there accompts Properly vouched Before this Court for allowance

And it is further

Resolved that there be allowed and payed to each Officer & Private in either of said Detachments two Pence A Mile for each Mile they respectively travelled from the Place or Places to which they respectively marched, to the Places of their Abode on their Return Home, in Addition to the Pay & Rations allowed them by the united States. [*Passed September 23.*]

CHAPTER 321.

RESOLVE DIRECTING THE BOARD OF WAR TO SEND CANNON AND AMMUNITION TO BOOTHBAY.

Legislative
Records of the
Council,
xxxviii., 58.
Mass.
Archives,
ccxv., 156.

Resolved that the Board of War be & they hereby are directed to send to the Committee of Booth Bay they to be accountable for the same two four pound Iron Cannon on Field Carriages with Implements compleat for the same, ammunition & fifty rounds of round & thirty of Grape Shot for each Cannon. [*Passed September 23.*]

CHAPTER 322.

RESOLVE CONFIRMING TAX ASSESSED BY THE ASSESSORS OF FALMOUTH.

Legislative -
Records of the
Council,
xxxviii., 58.
Mass.
Archives,
ccxv., 154.

Mass.
Archives,
ccxv., 155,
155j.

ON THE PETITION of Benj. Titcomb, Joshua Freeman & Joseph Noyes, assessors of the parish tax in & for the first parish in Falmouth, in the county of Cumberland, in the year 1776, setting forth that they had omitted through forgetfulness to take the oath prescribed by law previous to assessing said tax; but have since made oath, that in their doings therein they had conducted in every respect as the law directs; & therefore praying an establishment of said tax or assessment

Resolved that the said tax or assessment be, & it is hereby declared as valid to all intents & purposes, as if the said assessors had taken the oath prescribed by law previous to their making the same, any law, custom or usage to the contrary notwithstanding. [*Passed September 23.*]

CHAPTER 323.

RESOLVE ON THE PETITION OF THE SELECTMEN AND COMMITTEE
OF CHESTERFIELD.

ON THE PETITION of the selectmen & Comm^{ee} of the Town of Chesterfield praying that the Bridge in the westerly part of s^d Town over Westfield River so called may be Rebuilt at y^e expence of the County of Hampshire

Legislative
Records of the
Council,
xxxviii., 59.
Mass.
Archives,
ccxv., 158.

Resolved That the Committee lately appointed to repair the Roads thro' the Green Woods be and they are hereby impowered & directed to repair or Rebuild the Bridge above referred to if they shall judge it necessary, keeping an exact account of the expences theirow which expences shall be annexed to the next taxes on the County of Hampshire. [*Passed September 24.*]

Mass.
Archives,
ccxv., 159.

CHAPTER 324.

RESOLVE ON THE PETITION OF REV^d ELI FORBES.

ON THE PETITION of the Rev^d Eli Forbes

Resolved that there be paid out of Sir Peter Warrin Donation by the Treasurer of this State the Sum of one Hundred and Sixteen pound to the Petitioner in full for Boarding Cloathing and instructing the Young Indian in his Petition Mentioned from the 20th Day of Janu^y 1773 to the 9th Day of July 1777,

Legislative
Records of the
Council,
xxxviii., 59.
Mass.
Archives,
ccxv., 170.

and it is further

Resolved that the Rev^d Eli Forbes be and he is hereby impowered to Bind Out Said Indian an Apprentice untill he arives to the age of twenty one Years [to] Sume Sutable Person that Will instruct and Larn him Sum Trade that he Thinks Will be Most Benefecall to Said Indian. [*Passed September 24.*]

Mass.
Archives,
ccxv., 171.

CHAPTER 325.

RESOLVE DIRECTING THE BOARD OF WAR TO PURCHASE CLOTH-
ING, ETC., FOR THE ARMY.

Resolved That the Board of War be & they are hereby impower'd & directed to make Purchases of Clothing & other necessary Articles for the carrying on the War at such prices as they shall judge proper, the Regulating act of this State notwithstanding & that they supply the Committee for Providing Slops & small Stores for that part of the continental army raised in this State, with such Articles as the Board of War with said Committee shall think proper to forward to the Army. And the Committee aforesaid are likewise impowered & directed to purchase slops & small Stores for the Army the aforesaid Act notwithstanding. [*Passed September 24.*]

Legislative
Records of the
Council,
xxxviii., 60.
Mass.
Archives,
ccxv., 169.

CHAPTER 326.

RESOLVE RELATING TO MUTINOUS CONDUCT OF SOLDIERS IN COL^O CRAFTS' REG^T.

Legislative
Records of the
Council,
xxxviii., 60.
Mass.
Archives,
ccxv., 166.

THE COMMITTEE appointed to take into consideration the information given to the Gen^l Court by Col^O Tho. Crafts of a mutiny which has taken place in his regiment of artillery in the service of this State, have attended that service, and beg leave unanimously to report thereupon by way of resolve

Whereas in and by the fourth article of the rules and regulations for the Mass^s army it is enacted and declared That "Any officer or soldier who shall begin, excite, cause or join in any mutiny or sedition, in the regiment, troop, or company to which he belongs, or in any other regiment, troop, or company of the Mass^s forces, either by land or sea, or in any party, post, detachment, or guard, on any pretence whatsoever, shall suffer such punishment as by a general court martial shall be ordered." And whereas information hath been given to the General Assembly now sitting, that a very dangerous mutiny or sedition hath taken place among some of the soldiers belonging to the regiment of artillery in the service of this State, commanded by Col^O Thomas Crafts: And as no general-court martial can be called or held agreeable to said recited article for the trial and punishment of such soldiers in said regiment who may commit a mutiny or sedition therein; and as it would be of most pernicious consequence to the government of the army for any such offenders to escape speedy and condign punishment, through the impracticability of calling and holding a general court martial.

Be it therefore

Resolved that the Council be, and they hereby are authorised and empower'd forthwith to constitute a special court martial consisting of thirteen members at least, Commissioned officers of said regiment, the president whereof shall be a field officer, to bring before them, try, and pass sentence upon any officer or soldier belonging to said regiment suspected of, and charged with the crime of mutiny or sedition; said special court martial to proceed in such trials, as nearly as may be, in the same form and manner, and to be governed and directed by the same articles, rules and regulations in forming and passing sentence; in and by which a general court martial called and held in pursuance of the said recited article, wou'd and ought to proceed, be governed and directed in such trials.

And it is further

Resolved that the said special [court] martial shall lay before the Council a copy of their proceedings and sentence in every case which may come before them, together with the evidence which shall be given therein, which evidence shall be taken in writing by the Judge Advocate, to be appointed by the Council, and the whole certified by the president of said special court martial, for their confirmation or disallowance; and the Council are hereby authorised to confirm or disallow or reverse, any sentence of said special court martial according as they shall deem fit and right; and no person who may be convicted by sentence of said special court martial shall be punished in pursuance of such sentence, untill the same shall have been confirmed by the Council as aforesaid. And the Council shall have full power to pardon any person who may be convicted by the sentence of said special court martial or to mitigate the punishment in such manner as they judge

expedient; and may also from time to time constitute and dissolve a special court martial, where no general court martial can be called and held which special courts martial shall proceed in like manner as the aforementioned one in all respects.

In Council

Read & accepted

In the House of Representatives

Read & concurr'd. [*Passed September 24.*]

CHAPTER 327.

RESOLVE PROVIDING FOR RANKING THE COMPANIES IN THE 4TH REGIMENT OF MILITIA IN SUFFOLK COUNTY.

THE COM^{TEE} appointed by both Houses to Consider y^e Petition of Col Benj^a Haws & y^e other Field officers of the Fourth Regiment of militia in the County of Suffolk having attended that service ask Leave to Report by way of Resolve as follows

Legislative
Records of the
Council,
xxxviii., 62.
Mass.
Archives,
ccxv., 164.

Whereas it appears to this Court that disputes have arisen in Several of the Companies of the Fourth Regiment of militia in y^e County of Suffolk Respecting their Rank in Said Regiment, which has hitherto prevented a Regular Settlement, & has a Tendency Greatly to retard y^e Publick Service, & inimical persons to y^e Cause of America (if any there be within the Limits of said regiment) may, under specious pretences Foment Divisions make parties & raise prejudices in the minds of many, very injurious & Even Dangerous to the Publick Cause for which we are Contending, for preventing of which, & that the said Regiment be Settled with Dispatch in y^e most Effectual manner, it is

Mass.
Archives,
ccxv., 165.

Resolved That the field officers of said Regiment be & they hereby are Directed to Rank the several Companies Belonging to said Regiment as near as may be according to y^e Rules practiced in y^e army, viz, That Captain which has heretofore received a military Commission of an older Date than any other Captain in the Regiment Shall with his Company be first in Rank in said Regiment. The Captain who has Received the second oldest military Commission Shall with his Company be second in Rank and the same rule shall be observed with all the Remaining Captains & their Companies till y^e whole arrangement is Completed and whereas it may happen that two or more of the Captains may have Received their first Commissions Each Bearing one and the Same Date, in that Case, the Captain who is y^e oldest man together with his Company Shall take rank of y^e younger and all officers & Soldiers Belonging to Said Regiment are Strictly enjoined to observe these rules untill the further order of the General Court, any Law, Custom or usage to the Contrary Notwithstanding.

In Council

Read & Accepted

In the House of Representatives

Read & Concurr'd. [*Passed September 24.*]

CHAPTER 328.

RESOLVE ADDING JOSEPH HOSMER AND JOHN GREENOUGH TO
THE COMMITTEE ON ACCOUNTS.

Legislative
Records of the
Council,
xxxviii., 63.
Mass.
Archives,
ccxv., 163.

Resolved that Cap^t Joseph Hosmer and John Greenough Esq^r
be and hereby are added to the Committee on Accounts

Also

Resolved that any four of said Committee be a Quorum. [*Passed*
September 24.

CHAPTER 329.

RESOLVE ON THE PETITION OF ISAAC BRADISH.

Legislative
Records of the
Council,
xxxviii., 63.
Mass.
Archives,
ccxv., 161.
Mass.
Archives,
ccxv., 162.

ON THE PETITION of Isaac Bradish underkeeper of the Goal in
Cambridge, setting forth, that he hath in custody a number of
Scotch & Hessian prisoners, & is unable to procure bread-corn
sufficient for their sustenance; & therefore praying he may be
allowed to draw bread corn out of the public stores for the support
of said prisoners.

Resolved that the Board of war be, & they hereby are directed
to supply the s^d Bradish with Eight barrels of flour for the pur-
pose above mentioned, he the said Bradish paying for the same.
[*Passed September 24.*

CHAPTER 330.

RESOLVE PROVIDING FOR DRAFTING IN TOWNS WHERE THE
MILITIA ARE UNORGANIZED.

Legislative
Records of the
Council,
xxxviii., 63.
Mass.
Archives,
ccxv., 160.

WHEREAS it appears by the Resolve of this Court of the 16th
Ins^t for Drafting men for a Secret Expedition that no provision
is made for Drafting men in those Towns where the Militia are
Unorganized,

It is therefore

Resolved that where there is no Militia Officers in any Town or
Company the Selectmen & Committe of Corrispondence Or any
three of them Shall do the Duty assigned to the Militia Officers by
Said Resolve and Shall likewise have Power to appoint a Suitable
number of Officers for the Men so Drafted by them, and whereas
In consequence of the above Omission the Draft cannot be made
In such Towns within the Time spicified in Said Resolve,
it is further

Resolved that the Selectmen and Committes afores^d be allowed
till the first day of October Next to Compleat Said Draft and
that they make returns to the Brigad^r of the County who is
hereby directed to order Said men immediately to march & Join
their Rigements. [*Passed September 24.*

CHAPTER 331.

RESOLVE ALLOWING HALF PAY TO BENJAMIN BERRY.

ON REPRESENTATION of John Lucas Commisary of Continental Pensioners In behalf of Benj^a Berry Late a soldier in Col^o Jon^a Reeds Rigm^t and Cap^t Asahel Wheelers Comp^y & who lost his arm in the Battle on Lake Champlain 11th Oct^r 1776.

Resolved that the said Benj^a Berry is Intitled to half pay to Comence the first day of January 1777. [*Passed September 25.*]

Legislative
Records of the
Council,
xxxviii., 64.
Mass.
Archives,
ccxv., 172.
Mass.
Archives,
ccxv., 173, 174.

CHAPTER 332.

RESOLVE APPOINTING A COMMITTEE TO CONSIDER AND REPORT
ON LETTERS OF JOHN GIBSON AND JOHN ORD.

LETTER from John Gibson Esq^r Accomptant General, Dated Philadelphia, the third of September Ins^t respecting the State's Lottery Tickets. Read and thereupon

Resolved, That Walter Spooner, and Thomas Cushing Esq^{rs} be a Committee, with Such as the Honb^{le} House shall join, to consider the said Letter, and the Letter from John Ord Esq^r accompanying the Same, and report what is best to be done thereon. Came up Concurred, and Col^o Orne, Capt. Gardner and Col^o Pope are joined. [*Passed September 24.*]

Legislative
Records of the
Council,
xxxviii., 63.

CHAPTER 333.

RESOLVE ON THE PETITION OF LIEUT. COL^o ALEXANDER CAMP-
BELL & FRANCIS SHAW, JUN^R.

ON THE PETITION of Lieu^t Col: Elexander Campbell & Francis Shaw Jun^r, Setting forth their Emediate want of Fire arms &c, therefore the Committee appointed to Consider the above Petition beg leave to Report by way of Resolve

Therefore

Resolved that the Militia Raised by Lieu^t Col: Elexander Campbell and Francis Shaw Jun^r, upon the alarm at S^t Johns on y^e 20th May, 1777, be allowed at the rate of twenty Shillings a month for the time they were on said Service, in addition to the Continental monthly Wages & that the Petitioners be allowed to Stop out of Each Soldiers pay Respectively, Such Sums of Money as they have Advanced to Said Militia Soldiers before Marching. And it is further

Resolved that the Board of War be and are hereby Directed to Deliver Lien^t Col: Elexander Campbell & Francis Shaw Jun^r Fifty good Fire arms, for the use of the Sixth Regiment of Militia in the County of Lincoln, they paying Such price for Said Fire arms, as has lately been given by the Town of Springfield, and that they be allowed their several accounts after laying them before the Committee of accounts for Examination &c (if Said Committee should find them to be just & Right). And that the Petitioners have Liberty to Return home to Gouldsborough in the Schooner Hannah & Molly, now under the Direction of the Board of War which will Sail in a short time

Legislative
Records of the
Council,
xxxviii., 65.
Mass.
Archives,
clxxxiii., 163.

And it is Further

Resolved that the Board of War be Directed to Deliver the Same Quantity of Provisions to the Petitioners that they were oblig'd to Supply the above Militia with before they could Possibly obtain States Provisions, which will appear upon the accounts being Layed before the committee of accounts. [*Passed September 25.*]

CHAPTER 334.

RESOLVE ON THE PETITION OF COL^O WILLIAM LEE.

Legislative
Records of the
Council,
xxxviii., 66.
Mass.
Archives,
ccxv., 175.

ON THE PETITION of William Lee praying that he may have liberty to purchase of the Board of War a sufficient number of the French Fusils now in their possession to Arm the Officers of his Regiment.

Mass.
Archives,
ccxv., 176.

Resolved that the Board of War be & they hereby are directed to deliver to Col^O W^m Lee or his order for the use of the Officers of his Regiment thirty four French Fusils he paying for the same. [*Passed September 25.*]

CHAPTER 335.

ORDER ON PETITION OF COMMITTEES OF SCITUATE, MARSHFIELD, DUXBOROUGH AND HANOVER.

Legislative
Records of the
Council,
xxxviii., 65.

ON THE PETITION of the Committees of Scituate, Marshfield, Duxborough, Pembroke and Hanover.

Ordered That the Petitioners serve Samuel Delano, the Libellant, with a Copy of their Petition, that they may make answer to the same on the second Tuesday of October next, if they see Cause; and also with a Copy of this Order, and that all Proceedings in the said Case be staid until the determination of the General Court thereupon. [*Passed September 25.*]

CHAPTER 336.

RESOLVE PROVIDING THAT MEN BE DETACHED FROM CERTAIN REGIMENTS TO SERVE AS GUARDS.

Legislative
Records of the
Council,
xxxviii., 66.
Mass.
Archives,
ccxv., 177.

THE COMMITTEE of both Houses to whom the Consideration of Gen^l Heaths Letter of the 24 Instant has been Referred take Leave to Report by way of Resolve, which is submitted.

R. DERBY Ju^r by Order

Resolved that there be Immediately Detached from the severall Regiments hereafter named including the Alarm Lists one Major one adjutant three Captains Eight Subalterns fifteen sergeants Twenty four Corporalls four Drumers two fifers & two hundred & twenty privates to serve as Guards in the Towns of Boston Cambridge Medford Charlestown & Dorchester, untill the Last Day of November next unless sooner Discharged, to be under the Command of the Hon^l Gen^l Heath, & to be allowed the same pay & Rations as the Troops serving in the severall Continentall Regiments are allowed & paid, Viz^t From the Boston Regiment one Major, one Captain, two Subalterns four Sergeants six Corporalls 1. Drummer one fifer & sixty privates.

From the first Regiment in Middlesex, one Captain, two Subalterns four Sergeants Six Corporalls, one Drummer & sixty privates.

From the second Regiment in Middlesex, One Adjutant two Subalterns four Sergeants Six Corporalls & forty privates and,

From the first Regiment in Essex one Captain, two Subalterns three Sergeants, Six Corporalls, two Drums, one fife & sixty privates.

In Council

Read & Accepted

In the House of Representatives

Read and concurred. [*Passed September 26.*¹]

CHAPTER 337.

RESOLVE DIRECTING THE BOARD OF WAR TO SEND CANNON AND AMMUNITION TO BOOTHBAY.

Resolved that the Board of War be & they hereby are directed to send to the Committee of Boothbay they to be accountable for the same One Iron Cannon a twelve pounder with a Carriage & Implements compleat, And one hundred rounds of Powder 100 round & forty barshot & 26 rounds of Grape Shot for the same. The above Cannon & ammunition &c to be in lieu of the two nine pounders with ammunition &c therefor ordered to that place by the Resolve of this Court of the 22^d Instant. [*Passed September 26.*]

Legislative
Records of the
Council,
xxxviii., 67.
Mass.
Archives,
ccxv., 192.

CHAPTER 338.

RESOLVE GRANTING £300 TO JOHN LUCAS, COMMISSARY OF PENSIONERS.

Resolved that there be paid Out of the publick Treasury to John Lucas Commissary of Pansioners the Sum of three hundred Pounds to Enable him to pay the Several Pensions as they become due he to be accountable to this Court for the Expenditure of the Same. [*Passed September 26.*]

Legislative
Records of the
Council,
xxxviii., 67.
Mass.
Archives,
ccxv., 191.

CHAPTER 339.

RESOLVE IMPOWERING JOSEPH BARKER, ADMINISTRATOR, TO SELL REAL ESTATE.

WHEREAS Joseph Barker Administrator to the Estate of Stephen Sisson Late of Dartmouth in the County of Bristol Intestate Deceased and Phebe Sisson widow of the Said Decesed in their Petition hath Set forth that the Personal Estate of the Deceased is insuficient to Pay his Just Debts and that he Died Seized of a Small Real Estate

Resolved that the Prayer be granted and that the Petitioner Joseph Barker, in his Capacity as Administrator be and hereby is empowered to make Sale of the Real Estate mentioned in Said Petition for the most it will Fetch and make and execute a Good

Legislative
Records of the
Council,
xxxviii., 67.
Mass.
Archives,
ccxv., 188.

Mass.
Archives,
ccxv., 189, 190.

¹ This date is September 25 according to Legislative Records of the Council.

Deed or Deeds thereof observing the Rules of the Law for the Sale of Real Estates by Executors and Administrators and giving Security to the Judge of Probates for the County of Bristol that one third of the Proceeds Shall be put to Intrust for the use of the widow in Lieu of her Dower in Said Real Estate, and the Remainder after the Just Debts are Payed to be Divided amongst the Heirs to Said Estate in the Same Preportion they might have inhareted the Said Estate in Case the Same had not been Sold and also that the one third on which the widows Dower is to arise be after her Decease divided in the Same manner. [*Passed September 26.*]

CHAPTER 340.

RESOLVE FOR PAYMENT OF COL^O WILLIAM JONES' DETACHMENT FOR RETAKING THE MAST-SHIP GRUEL.

Legislative
Records of the
Council,
xxxviii., 63.
Mass.
Archives,
ccxv., 183.

Mass.
Archives,
ccxv., 184-186.

ON THE MEMORIAL of William Jones, Col. of the third Regiment of Militia in the County of Lincoln, in behalf of himself & a party of Said Regiment, Setting forth, among other things, that on the 10th Instant they mustered and Retook the State Mast-Ship Gruel, Joseph Procter Commander which had been taken into possession by a party from the Enemys Man [of] War, the Rain Bow.

Resolved that the Said Col: Jones, the officers and privates of the party under his command in Said Engagement, be allowed & paid by this State out of their Treasury for their Spirited Exertions and important Services done the State in that affair, as follows Viz^t. one Col: Twenty Pounds Four Captains four Pounds Each Ten Lieutenants three pounds Each and one Hundred & fifty five privates at Two Pounds Each, the whole Sum amounting to three Hundred and Seventy Six Pounds.

And it is further

Resolved that the Twenty Men who were not in the action but guarded Said Mast-Ship for Two Days after she was Retaken be allowed & Paid the Sum of Twelve shillings for Each Man for the Said Two Days. [*Passed September 26.*]

CHAPTER 341.

RESOLVE ON THE PETITION OF CAPT. ELISHA PAINTER.

Legislative
Records of the
Council,
xxxviii., 69.

UPON THE PETITION of Elisha Painter Captain, Praying that his Company may be allowed their Coats, Blankets and Mile-Money agreeable to the Order of the Provincial Congress, One thousand Seven hundred and Seventy five.

Resolved That the Treasurer of this State be Directed to pay to the above said Capt. Elisha Painter, the Sum of Eighty four Pounds, nineteen Shillings and One Penny, for the use of his Company in lieu of their Coats, Blankets and Mile Money which they have not received. [*Passed September 26.*]

CHAPTER 342.

RESOLVE DIRECTING COL^O HATCH TO ORDER THE MEN DETACHED FROM THE BOSTON REGIMENT FOR THE SECRET EXPEDITION TO MARCH WITHOUT DELAY.

THE COMMITTEE of both Houses appointed to Consider the letter of Colonel Hatch have attended that Service and beg leave to report the following Resolve

Resolved that Col^O Hatch be and he hereby is directed to order all the men detached from the Boston Regiment for the Secret Expedition to march with all convenient speed agreeable to the Orders he has received for that purpose, and in Case any of them shall refuse or neglect to march according to order the said Colonel is hereby directed to report the names of all such immediately to this Court that they may be proceeded with agreeable to the Resolves directing the detachment aforesaid.

In Council

Read & Accepted

In the House of Representatives

Read & concurred. [*Passed September 26.*]

Legislative
Records of the
Council,
xxxviii., 69.
Mass,
Archives,
ccxv., 179.

Mass,
Archives,
ccxv., 180, 181,
220. Legislative
Records of the
Council,
xxxviii., 68.

CHAPTER 343.

RESOLVE ON THE LETTER OF HON. MESHECK WEARE, PRESIDENT OF THE COUNCIL OF NEW HAMPSHIRE.

ON THE LETTER from the President of the Council of the State of New-Hampshire.

Ordered, That the President of the Council of this State be desired to acquaint the President of the Council of the State of New-Hampshire (by Letter), that the House of Representatives have the report of the joint Committees referred to in his Letter, now under Consideration, and that as soon as the General Court of this State have passed on that report, Information of their Doings shall be immediately given; and that We are not informed with respect to the Doings of the other States whose Committees were concerned in that Report. [*Passed September 26.*]

Legislative
Records of the
Council,
xxxviii., 69.

Mass,
Archives,
cxcviii., 181.

CHAPTER 344.

RESOLVE DESIRING THE COUNCIL TO SEND A FLAG OF TRUCE TO NOVA SCOTIA.

Resolved that the Honorable Council, be and they are, hereby Desired, to Send a Flag of Truce, to Novascotia, for the purpose of obtaining, and Bringing to this State, the Families of the following Persons, Viz. Nathaniel Reynolds, William How, Simeon Chester, Amasa Killam, Robert Foster, John Star, Anthony Burk, Robert Sharp, Elijah Ayer, William Eddy, Daniel Earl, Ebenezar Gardner, Parker Clark, Elijah Ayer, Jun^r John Ackley, & Jonathan Eddy Jun^r. [*Passed September 27.*]

Legislative
Records of the
Council,
xxxviii., 70.
Mass,
Archives,
clxxxiii., 176.

Mass,
Archives,
clxxxiii., 171-
175.

CHAPTER 345.

RESOLVE APPOINTING NOAH PRATT ADJUTANT OF THE 4TH REGIMENT IN SUFFOLK COUNTY.

Legislative
Records of the
Council,
xxxviii., 70.
Mass.
Archives,
cexv., 196.

WHEREAS the Field Officers of the fourth Regiment of Militia in the County of Suffolk have recommended Noah Pratt as a suitable person for an adjutant in said Regiment Therefore

Resolved that Noah Pratt of Wrentham be and he hereby is appointed Adjutant in the fourth Regiment of Militia in the County of Suffolk. [*Passed September 27.*]

CHAPTER 346.

RESOLVE RELATING TO THE PAYMENT OF BILLS OF CREDIT.

Legislative
Records of the
Council,
xxxviii., 71.
Mass.
Archives,
cexv., 195.

Resolved that the Treasurer of this State be & he is hereby directed from & after this Time till the further Order of this Court not to pay out of the Treasury of this State any Bill or Bills of Credit of this State, except such Bills as are under the Sum of six Shillings each unless in Case of Necessity. [*Passed September 27.*]

CHAPTER 347.

RESOLVE IMPOWERING ELIZABETH BLISS, ADMINISTRATRIX, TO EXECUTE A DEED.

Legislative
Records of the
Council,
xxxviii., 71.
Mass.
Archives,
cexv., 193.

WHEREAS Elizabeth Bliss widow and Administratrix to the Estate of her Late Husband Aaron Bliss Late of Wilbraham Deceased in her Petition hath Sat forth that her Said Husband in his Life Time Bound and obliged him Self to Execute a Good Sufficient Deed to Abel King of Said Wilbreham afore Said of a Certain Tract of Land with the Buldings there on as is Sat forth In Said Petition and also in Said Bond Said Aaron haveing Rec^d a Consideration for the Same by the Said Abel Kings Note of Hand

Resolved that the Prayer be granted and that the Said Elizabeth in har Said Capacity be and hereby are Authorized and Impowered to Execute a good and Sufficient Deed for the Same which Deed so executed Shall be Deemed as Good and Suficient in the Law as tho the Said Aaron Bliss had made and Executed the Same in his Life time, and the monies which Shall be Payed in Consequence of Said Conveiance to be Equelly Devided amongst the Heirs as the Law derects any Law usage or Custom to the Contarary Not with Standing. [*Passed September 27.*]

CHAPTER 348.

RESOLVE ON THE PETITION OF ELIJAH JONES.

Legislative
Records of the
Council,
xxxviii., 72.
Mass.
Archives,
clxxxiii., 178.

Resolved that Elijah Jones be paid by the Treasurer of this state Seven Pounds in full for his assisting Doct^r W^m Aspinwall & Doct^r Downer as Surgeon's assistant from Apriel nineteenth 1775 to Agu^t the first 1775. [*Passed September 29.*]

Mass.
Archives,
clxxxiii., 178,
179.

CHAPTER 349.

RESOLVE IMPOWERING ABIGAIL STONE, ADMINISTRATRIX, TO SELL
REAL ESTATE.

WHEREAS Abigail Stone of Sutton in the County of Worcester widow and administratrix to the Estate of Nathan Stone Late of Said Sutton Deceased Intestate in har Petition hath Sat forth that har Said Late Husband Died Seized of a Small Real Estate and that the Personal Estate is no ways Sufficient to Pay the Debts.

Resolved that the Prayer be granted and that the Petitioner in har Said Capacity be and here by is fully empowered to Sell the Real Estate Sat forth in Said Petition for the most it will fetch and execute a good and Sufficeant Deed or Deeds thereof She obsarving the Rules of the Law for the Sale of Real Estates by Executors and Administrators and giving Security to the Judge of Probates for the County of Worcester that the Proceeds of Said Sale be applyed as followeth, Viz that the Petitioner the widow Shall have the Use of one third for har Support in Lieu of har Dower during har Life and the Remainder Shall be applyed for the payment of the Debtes of the Deceased and the Residue after the Debts are payed to gather with the widows thirds after har Deceas be for the benefit of the Heirs agreeable to Law. [*Passed September 29.*]

Legislative
Records of the
Council,
xxxviii., 73.
Mass.
Archives,
ccxv., 199.
Mass.
Archives,
ccxv., 200-
201½.

CHAPTER 350.

RESOLVE FOR PAYMENT OF THE BILLETING ROLLS OF COL^O
EDMUND PHINNEY'S REGIMENT.

ON THE PATITION of Col^O Edmund Phiney in behalf of himself and Regement,

Resolved that the Prayer of the Patition be granted, And that the Treasurer of this State, be and he is hereby Directed to Pay the Said Edmund Phiney for the use of Said Regement the amount of the Several Billeting Rolls thereto belonging being in the whole the Sum of nine Hundred ninety one Pounds twelve Shillings & one penny ¾. [*Passed September 29.*]

Legislative
Records of the
Council,
xxxviii., 73.
Mass.
Archives,
ccxv., 204.
Mass.
Archives,
ccxv., 205-216.

CHAPTER 351.

RESOLVE DIRECTING THE BOARD OF WAR TO PURCHASE A SMALL
SCHOONER.

Resolved that the Board of War be & hereby are directed to purchase a Small Schooner of about Fifty or Sixty Tons, a Swift Sailor & immediately Cause her to be Victualed, manned & fix'd out ready for Sailing to such Part of Europe as the Council Shall direct. [*Passed September 29.*]

Legislative
Records of the
Council,
xxxviii., 74.
Mass.
Archives,
ccxv., 198.

CHAPTER 352.

Legislative
Records of the
Council,
xxviii., 75.
Mass.
Archives,
clxxxiii., 181.

Mass.
Archives,
clxxxiii., 181.

RESOLVE PERMITTING MARY ANGUES TO PROCEED TO NEW YORK.

ON THE PETITION of Mary Angues praying for Leave to depart from hence to new York with her Infant Son.

Resolved that the Prayer of the Petition be granted & that the s^d Mary Angues be permitted to depart this State with her Infant Son in the first Cartel for New York in Order to take Passage from thence to her Husband in London. [*Passed September 29.*]

CHAPTER 353.

RESOLVE DIRECTING THE COMMITTEE OF CORRESPONDENCE OF BOSTON TO FILE PARTICULARS OF THEIR COMPLAINTS AGAINST ROBERT PIERPOINT, COMMISSARY OF PRISONERS.

Legislative
Records of the
Council,
xxxviii., 74.
Mass.
Archives,
cxv., 391.

Mass.
Archives,
cxv., 392-395.

WHEREAS by a resolve of this Court of the 23^d instant pass^d on the Memorial of the Committee of Correspondence &^c for the town of Boston said Comittee were directed to serve Robert Pierpoint Esq^r with a Copy of their Memorial and the Complaints exhibited against him respecting his Conduct as Commissary of Prisoners that he might make answer thereto on the 29th instant w^{ch} will not allow him sufficient time therefor,

And whereas the aforesaid resolve does not direct that the particulars of said accusations of the Committee & his answer thereto be filed in the Secretaries Office

Therefore

Resolved that the Committee of Correspondence &^c of the town of Boston be & they hereby are directed to file the particulars exhibited against said Pierpoint for mall Administration in his Office as aforesaid in the Secretaries Office on or before Thursday next at 10 o Clock in the Forenoon & also that said Pierpoint file his Answer in said Office at the time aforesaid, And that the Parties appear before this Court at 4 o Clock in the Afternoon of said day for a Hearing thereupon. [*Passed September 29.*]

CHAPTER 354.

RESOLVE FOR SUPPLYING FLOUR TO JOSEPH NOYES, COMMISSARY AT FALMOUTH AND CAPE ELIZABETH.

Legislative
Records of the
Council,
xxxviii., 75.
Mass.
Archives,
cxv., 232.

Resolved that the Commasary General be & he hereby is Directed to deliver to Joseph Noyes Commasary to the Forces Stationed at Falmouth and Cape Elesabeth forty barrels of Flour for the Use of said Forces he to be accountable for the Same. [*Passed September 30.*]

CHAPTER 355.

RESOLVE IMPOWERING JAMES BRADISH, GUARDIAN, TO EXECUTE
A DEED.

WHEREAS James Bradish Gu[ar]dian to the Children of Constantine Hardy late of Westborough in the County of Worcester deceased in his Petition hath Sat forth that s^d Constantine was Son of Phinehas Hardy late of Said Westborough Dec^d that Said Constantine before his Death agreed with his Brother Elijah Hardy of Said Westborough for the Consideration of Twenty Eight Pounds one Shilling & Two Pence for which Sum he then Rec^d the Said Elijahs Note of hand to quit all Claims to the Real Estate his Said Father Phenihah Hardy died Siezed and Posesed of on or before the first Day of may Last, but So it hapned that the Said Constantine died before he executed Said Quitclaim Deed to his Said Brother the Said Elijah Hardy and as it is just and Equitable that the Said Elijah should enjoy the Said Constantines Part of Said real Estate acording to agreement Dated the 13 Day of February AD 1777

Legislative
Records of the
Council,
xxxviii., 75.
Mass.
Archives,
ccxv., 230.

Mass.
Archives,
ccxv., 231,
231½.

Resolved that Said James Bradish Guardain to the Children of Said Constantine Hardy in his Said Capacity of Guardain be & is here by Licenced and authorized to execute a Good Quit claim Deed to the Said Elijah of the afore Said Real Estate and the Said Conveiance that may be Executed by Said Guardain in persuance here of Shall be deemed and taken as Good and Valid in the Law to Convey the Said Constantines right as though the Said Constantine had made and Executed a Deed for the Same in his life time any Law usage or Custom to the Contarary Not with Standing. [*Passed September 30.*]

CHAPTER 356.

RESOLVE ON THE PETITION OF ABNER BRIGHAM.

ON THE PETITION of Abner Brigham praying for allowance of Wages & Rations for Reasons set forth in s^d Petition

Resolved that there be allow'd and paid out of the Publick Treasury of this State, to Abner Brigham, the Sum of Five Pounds fifteen shillings, in full for Wages & Rations due to him. [*Passed September 30.*]

Legislative
Records of the
Council,
xxxviii., 76.
Mass.
Archives,
clxxxii., 97.

Mass.
Archives,
clxxxiii., 95, 96.

CHAPTER 357.

APPOINTMENT OF EZRA BOWMAN AS AN ADJUTANT TO THE 5TH
REGIMENT IN WORCESTER COUNTY.

In the House of Representatives

The House made choice by ballot of Ezra Bowman as an Adjutant to the fifth Regiment of Militia in the County of Worcester.

In Council

Read & Concurred. [*Passed September 30.*]

Legislative
Records of the
Council,
xxxviii., 76.
Mass.
Archives,
ccxv., 228.

Mass.
Archives,
ccxv., 229.

CHAPTER 358.

RESOLVE DIRECTING THE BOARD OF WAR TO SELL CERTAIN ARTICLES TO THOMAS CHASE, DEPUTY QUARTERMASTER GENERAL.

Legislative
Records of the
Council,
xxxviii., 77.
Mass.
Archives,
ccxv., 226.

ON THE PETITION of Thomas Chase D Q M G to the American Army,

Mass.
Archives,
ccxv., 227.

Resolved That the Board of War be and they are hereby directed to sell to Thomas Chase D Q M G seventy Tin Camp Kettles and seventy Setts of Tent Poles for the Use of the Troops now under marching Orders he paying for the same. [*Passed September 30.*]

CHAPTER 359.

RESOLVE IMPOWERING DAVID EDDY AND ABIGAIL BUNN, ADMINISTRATORS, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 77.
Mass.
Archives,
ccxv., 223.

ON THE PETITION of David Eddy & Abigal Bunn of Brookfield Administrators on the Estate of Nathaniel Bunn late of Brookfield Dec^d Setting forth that Said Estate hath bin Rendered Insolvent & Setting off the widows thirds will grately injure the Credetors and Seling the whole together will be more advantageous to Said Estate —

Mass.
Archives,
ccxv., 224, 225.

Resolved that the Prayer of Sai[d] Petition be granted and that the Petitioners be and hereby are impowered to make Sale of the whole of the Real Estate in their Petition mentioned, for the most it will fetch and in there Said Capacities to execut a good Deed or Deeds thereof, they observing the Rules of the Law for the Sale of Real Estates by Executors & administrators and Give Security to the Judge of Probates for the County of Worcester that the Proceeds of Said Sale be apply^d as follows, viz that the Petitioner the widow of the Said Deceas^d Shall have the use of one third there [o]ff for her Support in Lieu of her Dower, During her Natural Life, and the Remainder Shall be apply^d for the Payments of the Debts of the Decease^d and the Residue, after the Said Debts are Paid, together with the widows thirds after her Deceas, be for the benefit of the heirs agreeable to Law. [*Passed September 30.*]

CHAPTER 360.

RESOLVE FOR PAYMENT OF CAPT. JOSEPH BARNS' AND CAPT. EBENEZER NEWELL'S PAY ROLLS.

Legislative
Records of the
Council,
xxxviii., 77.
Mass.
Archives,
ccxv., 222.

Resolved that the Several Rolls Presented by Cap^t Joseph Barns & Cap^t Ebenezer Newell be allowed & Paid they having been Properly Vouch'd & Proved to the Satisfaction of the Committee any Resolve of this Court to the Contrary Notwithstanding. [*Passed September 30.*]

Legislative
Records of the
Council,
xxxvii. (2nd
pt.), 155;
xxxviii., 25.

CHAPTER 361.

RESOLVE DIRECTING COL^o HATCH TO ARREST SUNDRY PERSONS
FOR REFUSING TO MARCH ON THE SECRET EXPEDITION.

THE COMMITTEE of both houses appointed to Consider the Return of Col^o Jabez Hatch of the twenty ninth Instant have attended that service and beg leave to report the following Resolves
ARTEMAS WARD p order

Legislative
Records of the
Council,
xxxviii., 78.
Mass.
Archives,
ccxv., 218.

Resolved that Jabez Hatch Esq^r Colonel of the Boston Regiment be and they [he] hereby are [is] directed immediately to Arrest, and Confine Thomas Parker, Francis Hooton, Samuel Sloan, Joseph How, Benj^a Jeffers, William Wait Wallis, Robert Robins, Fortesque Vernon, Edward Grant, Joseph Clark, James Seward, Alexander Edwards, Thomas Atkins, Thomas Atkins Ju^r, John Baker Samuel Smith, William Minns, Thomas Greenwood, Samuel Haynes, John Simmonds, William Leach, Richard Tarbell, Simeon Stoddard, Thomas Kemble, Adam Knox Ju^r, Andrew M^cKeen, John Leach, Timothy Pease, Solomon Cotton, Joseph Cotton, till they [he] collects a Suitable Guard which they [he] hereby are [is] impowered and directed to procure, to Escort them to the State of Rhode Island and they [he] are [is] hereby directed to send the above named Persons to the State of Rhode Island under the aforesaid Guard and there deliver them to the Commanding Officer of the Detachments raised in this State with a Copy of the Resolves of this Court of the Seventeenth Instant; directing the detachment to be made, also a copy of their Crimes with the Proof necessary to shew forth clearly, that they were drafted in consequence of the said Resolves of the Seventeenth Instant, and that they have Refused to Conform to the requirements of said Resolves.

Mass.
Archives,
ccxv., 221.

And it is further

Resolved that the Secretary be and he hereby is directed to transmit a Copy of these Resolves to the Commanding Officer of the Detachment aforesaid.

In Council

Read & Accepted

In the House of Representatives

Read and concurrd. [*Passed September 30.*]

CHAPTER 362.

RESOLVE DESIRING THE COUNCIL TO EMPLOY RIDERS TO OBTAIN
SPEEDY INTELLIGENCE.

Resolved

That the Hon^o Council be & they hereby are desired to provide & Employ such & so many Expresses with those already Employed as shall give this Court Intelligence Every third day from the Northern army said Expresses to be Continued for thirty days.
[*Passed September 30.*]

Legislative
Records of the
Council,
xxxviii., 79.
Mass.
Archives,
ccxv., 217.

Mass.
Archives,
clxvii., 308.

CHAPTER 363.

RESOLVE PROVIDING FOR AN INVESTIGATION OF COL^o MICHAEL JACKSON.

Mass.
Archives,
ccxv., 450.

Mass.
Archives,
ccxv., 449,
449½.

WHEREAS the Council have been informed that Col^o Michael Jackson commanding one of the Continental Battalions raised in this State has taken into his said Battalion Five of his Sons viz Michael Jackson born the 12th Sept^r 1759. Simon Jackson born 20th Nov^r 1760. Ebenezer Jackson born 18th Dec^r 1763. Amasa Jackson born 5th June 1765. and Charles Jackson born Jan^y 4th 1767. Which several Sons he presented to Nath^l Barber Esq^r Muster Master, who refused to muster more than two of them, deeming the others wholly unfit for Service that nevertheless, as appears from the said Jackson's own confession, he has taken all his said Sons into his Battalion to the great detrement of the publick Service and in breach of his Duty It is therefore

Resolved that John Taylor Esq^r be a committee with such as the Hon^{ble} House shall join to make a full enquiry into the said information and by what means those of Col^o Jackson's Sons who were refused to be mustered by the s^d Muster Master were engaged in the Service; and to report what may be proper to be done thereupon

In the House of Representatives

Read & concurr'd & M^r Davis & M^r Boardman are join'd.
[*Passed September 30.*]

CHAPTER 364.

RESOLVE ON THE PETITION OF EBENEZER THAYER.

Legislative
Records of the
Council,
xxxviii., 79.
Mass.
Archives,
clxxxiii., 159.

Mass.
Archives,
cxlii., 109;
clxxxiii., 158.

ON THE PETITION of Eben^r Thayer shewing that he has purchased a small Vessell for the sole purpose of bringing his Effects from Nova Scotia to this State & praying that he may have Leave to go there for that Purpose & that M^r Benj Furnass have Leave to go & transact the s^d Business for him

Resolved that the Schooner [Two Brothers]¹ Joseph Williams master have & Leave is hereby given to s^d Schooner to proceed from hence to Nova Scotia in Ballast & to return with the Effects of the Petitioner & that M^r Benj: Furnass have Leave to go in s^d Schooner for the Purpose of collecting of the s^d Effects & that the s^d Schooner be under the Direction of the Board of War with respect to the number of hands & Provision necessary for s^d Voyage. [*Passed October 1.*²]

CHAPTER 365.

RESOLVE GRANTING £49. 0. 7 TO WILLIAM BARTLETT.

Legislative
Records of the
Council,
xxxviii., 79.

Resolved, That there be paid M^r William Bartlett out of the Public Treasury of this State the Sum of Forty nine Pounds and Seven pence in full of his Account for sundry Supplies for the use of Two Armed Vessels belonging to this State Commanded by Jeremiah Obrian and John Lambert. [*Passed October 1.*]

¹ Inserted from Mass. Archives, cxlii., 109.

² This date is September 30 according to Legislative Records of the Council.

CHAPTER 366.

RESOLVE ON THE PETITION OF SAMUEL ELIOT, JUN^R, AGENT FOR THE STATE OF CONNECTICUT.

UPON THE PETITION of Sam^l Eliot Jun^r, Agent for the State of Connecticut, praying that the Prisoners taken on Board the Ship Weymouth & the Brigg: Honor by the Ship Oliver Cromwell belonging to the s^d State who are now confined in the Guardship in this Harbour may be delivered him agreeably to the Vote of the hon^{ble} Council of the State afores^d that they may be sent under proper Guard to Connecticut

Legislative
Records of the
Council,
xxxviii., 80.
Mass.
Archives,
ccxv., 309.

Mass.
Archives,
ccxv., 310, 311.

Resolved that Robert Pierpont Esq^r Commissary of Prisoners be & he hereby is directed to deliver the Prisoners brought in on Board the Ship Weymouth & Brigg: Honor to Sam^l Eliot J^r Agent for the State of Connecticut he paying the customary Allowance for their Subsistence while under the Care of the s^d Commissary. [*Passed October 1.*]

CHAPTER 367.

RESOLVE GRANTING A HEARING TO ROBERT PIERPOINT, COMMISSARY OF PRISONERS.

WHEREAS Robert Pierpont Esq^r Commissary of Prisoners has in his answer "to the Charges exhibited against him by the Committee of Correspondence &c of the Town of Boston" prayed that he may be heard by Council Therefore

Legislative
Records of the
Council,
xxxviii., 81.
Mass.
Archives,
ccxv., 396.

Resolved that Robert Pierpont Esq^r Commissary of Prisoners be and he hereby is granted the liberty of being heard by Council before the whole Court this afternoon at four oClock. [*Passed October 2.*]

CHAPTER 368.

RESOLVE ON THE PETITION OF JEREMIAH SMITH AND OTHERS OF EAST HOOSUCK.

Resolved that the Committe of Easthoosuck be and hereby are Directed to Furnish their Quota or every seventh man for the Continental army Excluding all those persons which were of the Denomination of Christians called Quakers before the nineteenth of april A. 1775, and that Jeremiah Smith William Comstock Jacob Smith & Ephraim Whipple appearing to this Court to have been of that Denomination before the said 19th of april, be Excused from any military Service & discharged from any Duty in Consequence of a draft lately made on them. [*Passed October 3.*¹]

Legislative
Records of the
Council,
xxxviii., 80.
Mass.
Archives,
clxxxiii., 266,
267.

Mass.
Archives,
clxxxiii., 263-
265.

¹ This date is October 1 according to Legislative Records of the Council.

CHAPTER 369.

RESOLVE ON THE PETITION OF JOHN STETSON AND SAMUEL FOSTER.

Legislative
Records of the
Council,
xxxviii., 82.
Mass.
Archives,
cliv., 175.

Mass.
Archives,
cxxxix., 512,
513; cliv., 176,
177.

ON THE PETITIONS of John Stetson of Scituate, & Samuel Foster of Kingston, setting forth, that at Courts of special Sessions of the peace, they were sentenced to Banishment, for having been inimical to this & the Other united States of America, & praying that, for Reasons, in said Petitions mentioned, the Sentence of said Courts against them may be reversed

Resolved that, the Prayer of said Petitioners be so far granted, that they be allowed to return Home on their paying the cost of their Prosecutions, and giving Bonds, to the Treasurer of this State, for the sum of four hundred pounds each, with two sufficient Sureties each, that they will confine themselves to their own Farms in said Scituate & Kingston, attending the public Worship excepted, & not directly or indirectly correspond with the Enemies of these united States, nor do nor say any thing injurious to the Rights & Interest of this or the united States of America, & be of good Behaviour to the Inhabitants of this State, untill the further order of this Court. [*Passed October 3.*]

CHAPTER 370.

RESOLVE ALLOWING THE ACCOUNT OF THE COMMITTEE OF SAFETY OF DEERFIELD.

Legislative
Records of the
Council,
xxxviii., 83.
Mass.
Archives,
ccxv., 317.

Mass.
Archives,
ccxv., 318.

Resolved that the account of Expences attending the division and Sale of the personal Estate of Nathaniel Dickenson, as exhibited to this Court by the said Committee of Safety &c: be allowed; and that the said Committee be & they hereby are directed to pay the Overplus (being Two hundred & fifty One Pounds, fifteen Shillings and Nine pence) into the public Treasury of this State [and] the Treasurer be & hereby is directed to give duplicate Receipts for the Same one of which to be lodged in the Secretarys office. [*Passed October 3.*]

CHAPTER 371.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER SHOES TO THOMAS BARKER, QUARTER MASTER.

Legislative
Records of the
Council,
xxxviii., 83.
Mass.
Archives,
ccxv., 316.

Mass.
Archives,
ccxv., 315.

ON THE PETITION of Tho^s Barker Quarter Master of Col^o Crane's Battalion praying for one hundred Pair Shoes for the use thereof

Resolved that the Board of War be & they hereby are directed to deliver the s^d Thomas Barker for the Use of Col^o Crane's Reg^t of artillery One Hundred pair of Shoes he pay^s for the same. [*Passed October 3.*]

CHAPTER 372.

RESOLVE DIRECTING CAPT. JACOB BOARDMAN TO PAY £1,154. 12^s 2^d
INTO THE TREASURY.

Resolved That Capt Jacob Boardman be and he hereby is directed to pay unto the Treasurer of this State the Sum of Eleven Hundred fifty four pounds twelve Shillings & two pence being the neat proceeds of Twenty three hundred & Eighty five Bushels salt sold by said Boardman for and On acc^t of this State he takeing two receipts of the Treasurer for the Same the one of which receipts to be lodged in the Secretaries office & shall be a discharge for the said Boardman. [*Passed October 3.*]

Legislative
Records of the
Council,
xxxviii., 83.
Mass.
Archives,
ccxv., 312.

Mass.
Archives,
ccxv., 313-314b.

CHAPTER 373.

RESOLVE ON THE PETITION OF SAMUEL BENJAMIN.

ON THE PETITION of Samuel Benjamin of Watertown Shewing that he engaged in the service of his Country in Nov^r last & in consequence thereof Rec^d an Ensigns Commission in Col. Wigglesworths Regiment, but by reason of a Supernumerary number of Officers being Commissioned the muster Rool hath been completed & he remains among the Supernumerary number, and praying that he may be discharged from s^d service, he receiveing his wages agreeable to the Resolves of the Continental Congress.

Legislative
Records of the
Council,
xxxviii., 85.
Mass.
Archives,
ccxv., 319.

Mass.
Archives,
ccxv., 320.

Resolved that the said Samuel Benjamin be paid out of the Treasury of this State Ensigns pay equal to the Continental establishment from the first day of January last to the first day of June following, and that he be and hereby is discharged from said Service. [*Passed October 4.*]

CHAPTER 374.

RESOLVE DESIRING THE COUNCIL TO SEND WILLIAM HAZWELL
AND FAMILY TO HALIFAX OR NEW YORK.

ON THE MEMORIAL of the Selectmen & Committee of Correspondence &c of the Town of Hingham,

Resolved that the Council be, and they are, hereby Desired to Send William Hazwell, a Lieut in the British Navy on half pay, & now Confined to the Town of Hingham, with his Family to Hallifax or New York in Such way and manner as they in their Wisdom may See fit, as Soon as the Circumstances of his Family will Permitt. [*Passed October 4.*]

Legislative
Records of the
Council,
xxxviii., 86.
Mass.
Archives,
ccxv., 327.

Province Laws,
xix., 679, chap.
575; 708, chap.
643.

CHAPTER 375.

RESOLVE ALLOWING HALF PAY TO LEMUEL TRAFTON.

ON THE REPRESENTATION of John Lucas Commissary of Continental Pinsinors In behalf of Lem^l Trafton Late a soldier In Col^o Tho^s Nixons Regiment & Cap^t Thomas Barns's Comp^y &

Legislative
Records of the
Council,
xxxviii., 87.
Mass.
Archives,
ccxv., 324.

Mass.
Archives,
ccxv., 325, 326.

who Lost his Right arm in an Engagement with the Enemy on York Island the 16th Sept^r 1776

Resolved that the said Lem^l Trafton is Intitled to half Pay to Commence from the 31st day of Dec^r 1776. [*Passed October 4.*]

CHAPTER 376.

APPOINTMENT OF THOMAS STEBBINS AS 2^D MAJOR OF THE 1ST REGIMENT IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council,
xxxviii., 87.
Mass.
Archives,
ccxv., 328.

In the House of Representatives

The House made choice by ballot of Capt Thomas Stebbins as second Major of the first Regiment of Militia in the County of Hampshire in the room of Maj Jonathan Hale elected Lieut Colonel.

In Council

Read & Concurred. [*Passed October 4.*]

CHAPTER 377.

APPOINTMENT OF GIDEON BURT AS 1ST MAJOR OF THE 1ST REGIMENT IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council,
xxxviii., 88.
Mass.
Archives,
ccxv., 329.

In the House of Representatives

The House made choice by ballot of Capt Gideon Burt as first Major of the first Regiment of Militia in the County of Hampshire, in the room of Maj^r William Pynchon Jun who has resign'd.

In Council

Read & Concurred. [*Passed October 4.*]

CHAPTER 378.

APPOINTMENT OF JONATHAN HALE AS LIEUT. COLONEL OF THE 1ST REGIMENT IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council,
xxxviii., 88.
Mass.
Archives,
ccxv., 330.

In the House of Representatives

The House made choice by ballot of Maj Jonathan Hale as Lieut Coll of the first Regiment of Militia in the County of Hampshire in the room of John Bliss Esq elected Colonel.

In Council

Read & Concurred. [*Passed October 4.*]

CHAPTER 379.

APPOINTMENT OF JOHN BLISS, ESQ^R, AS COLONEL OF THE 1ST REGIMENT IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council,
xxxviii., 88.
Mass.
Archives,
ccxv., 331.

In the House of Representatives

The House made choice by ballot of John Bliss Esq^r as Colonel of the first Regiment of Militia in the County of Hampshire, in the room of Coll Pynchon who has resign'd.

In Council

Read & Concurred. [*Passed October 4.*]

CHAPTER 380.

RESOLVE ALLOWING HALF PAY TO SAMUEL WOODBURY.

ON THE REPRESENTATION of John Lucas, Commisary of Continental Pansioners in behalf of Sam^l Woodbury who was wounded in the Battle of Lexington the 19th of Apr^l 1775, by which means he has Lost the use of his right arm

Resolved that the said Sam^l Woodbury is Intitled to half pay to Comence from the said 19th of april 1775. [*Passed October 4.*]

Legislative
Records of the
Council,
xxxviii., 88.
Mass.
Archives,
ccxv., 321.
Mass.
Archives,
ccxv., 322-
323½.

CHAPTER 381.

RESOLVE ON THE PETITION OF THE SELECTMEN AND COMMITTEE OF CORRESPONDENCE OF HANCOCK.

THE COM^{TEE} of both Houses on y^e petition of the Selectmen & Committee of Corispondance of the Town of Hancock have attended that Service & Beg leave to Report as follows viz

Whereas it appears to this Court That a Number of Persons Belonging to the Town of Hancock in the County of Berkshire have Lately gone over & Joined y^e Enemy Several of which number were Kill'd in y^e Battle near Bennington & others taken prisoners and Several persons belonging to Said Town have since been Committed to Goal in said County being strongly suspected of giving aid & assistance to ye Enemy, & two persons viz Edward Car & Ezekiel Whitford who Confessed they were within y^e Enemies Lines in the Time of the Battle & upon y^e Enemies Retreat Deserted them and returned to their homes in said Town of Hancock, Therefore

Resolved That the said Edward Car & Ezekiel Whitford be detained in Close Jail at Great Barrington in Said County there to remain untill they shall be Discharged by Due Course of Law or by order of y^e Council or y^e General Court, and those persons which have been Committed on suspicion of Aiding & Assisting y^e Enemy, shall Likewise remain in safe Custody untill Discharged in like manner

and it is further

Resolved That the Selectmen & Committee of Corispondance of the Said Town of Hancock be & they are hereby Directed & Impowered untill the further order of the General Court to take under there Care all the Estates both real and personal belonging to the Several persons of said Town who have gone over and Joined the Enemy, and such as were slain in Battle while in y^e Enemies Service & those that were taken prisoners & those that have been Committed on Suspision of aiding & Assisting y^e Enemy & also y^e Estates of those that Deserted the Enemies service & returned to their homes in said Town and to apply Such part thereof as is Necessary for y^e Support of the Several Families of the aforesaid persons, and the Remainder of said Estates to Secure in y^e most prudent manner they Can, and to make Beef and Pork of Such Cattle & Swine as are more profitable to Kill this fall than to keep thro' y^e Ensuing winter, and sell such articles as are perishable in their Nature, keeping fair accounts of all their proceedings & Lay y^e Same before y^e General Court for their inspection and allowance when Called upon for that purpose and whereas Some Expençe has arisen Respecting some of the aforesaid

Legislative
Records of the
Council,
xxxviii., 86.
Mass.
Archives, cliv.,
180.
Mass.
Archives,
cliv., 181, 182.

prisoners for victualling & for guards, it is hereby ordered That such persons as have any Demands on y^t account Lay y^e same before this Court for allowance.

In Council

Read & Accepted

In the House of Representatives

Read and concurred. [*Passed October 6.*¹]

CHAPTER 382.

RESOLVE ON THE PETITION OF JOHN RUSSEL.

Legislative
Records of the
Council,
xxxviii., 89.

ON THE PETITION of John Russel, Praying for an allowance for ferrying Ninety Seven Men under his Command over the Vineyard Sound to do Duty on the Vineyard.

Resolved That the Prayer of the Petition be granted, and that there be paid out of Public Treasury of this State the Sum of fourteen pounds, ten Shillings for the expence in said Petition requested. [*Passed October 6.*]

CHAPTER 383.

APPOINTMENT OF OLIVER LYMAN AS 1ST MAJOR OF THE 2^D REGIMENT IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council,
xxxviii., 90.
Mass.
Archives,
ccxv., 334.

In the House of Representatives.

The House made choice by ballot of Capt. Oliver Lymon as first Major of the second Regiment of Militia in the County of Hampshire in the room of Ezra May elected Colonel of y^e same Regiment.

In Council

Read & Concurred. [*Passed October 6.*]

CHAPTER 384.

APPOINTMENT OF ISRAEL CHAPIN AS LIEUT. COLONEL OF THE 2ND REGIMENT IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council,
xxxviii., 90.
Mass.
Archives,
ccxv., 332.

In the House of Representatives

The House made choice by ballot of Cap Israel Chapin as Lieut Coll. of the second Regiment of Militia in the County of Hampshire in the room of Lieut Coll Dickinson who has resign'd.

In Council

Read & Concurred. [*Passed October 6.*]

CHAPTER 385.

RESOLVE PROVIDING FOR ENLISTMENT OF GUARDS.

Legislative
Records of the
Council,
xxxviii., 90.
Mass.
Archives,
ccxv., 335.

Resolved that M^r Alexander Sheppard be a Committe to Inlist Seven men to Serve as a Guard to the Powder House in Watertown for the Space of Six months (Viz) one Corporal and Six

¹ This date is October 4 according to Legislative Records of the Council.

privates, to be allowed for their Service as followeth (Viz) the Corporal Fifty two shillings p^r Callender month & the privates Forty eight Shillings p^r month, And Rations as has been Accustomed. [*Passed October 6.*]

CHAPTER 386.

RESOLVE ON THE PETITION OF ROBERT PIERPOINT, COMMISSARY OF PRISONERS.

ON THE PETITION of Robert Pierpont Esq Commissary of Prisoners praying the direction of this Court with respect to an aged Gentlewoman taken on her Passage from the Brasells to Fayal and brought into this Port

Resolved that said Commissary be & hereby is directed to permit said Aged woman to take lodgings on Shore. [*Passed October 7.*¹]

Legislative
Records of the
Council,
xxxviii., 89.
Mass.
Archives,
clxxxiii., 204,
204a, 204b.

CHAPTER 387.

RESOLVE ON THE PETITION OF CAPT. JOB PRINCE.

ON THE PETITION of Cap^t Job Prince praying that Cap^t Patterson who was taken in the Merchant Service and now a Prisoner on Board the Guard Ship, may have Liberty to come on Shore

Resolved that the Prayer of the Petition be granted and that the Said Patterson have Liberty to come on Shore that his Life may be more comfortable to him provided he give his Parole of Honor to the Commissary of Prisoners to behave in all respects in an Orderly inoffensive Manner and be forth coming when called for. [*Passed October 7.*¹]

Legislative
Records of the
Council,
xxxviii., 89.
Mass.
Archives,
clxxxiii., 203.
Mass.
Archives,
clxxxiii., 202.

CHAPTER 388.

RESOLVE SUSPENDING THE TRIAL OF THE CASE OF THE SNOW ST. JOSEPH.

Resolved that the Tryall of the Snow S^t Joseph Jungo Seco Master, and her Cargo lately Captured on her Passage, as it is said, from the Brazills to Fyall by Cap^t Joseph Cunningham Commander of the private Armed Schooner Called the Phenix, be and hereby is Suspended untill her Papers which are all in the Portuguese Language can be truly and justly translated into the English Language and that the Secretary furnish the Maritime Judge of the District into which said Snow was brought with a fair Copy of this Order. [*Passed October 7.*¹]

Legislative
Records of the
Council,
xxxviii., 90.
Mass.
Archives,
clxxxiii., 197.
Mass.
Archives,
clviii., 324, 325;
clxxxiii., 195,
196.

¹ This date is October 6 according to Legislative Records of the Council.

CHAPTER 389.

RESOLVE PROVIDING FOR THE SERVICE OF A POST RIDER BETWEEN
FALMOUTH AND THOMASTON.

Legislative
Records of the
Council,
xxxviii., 91.
Mass.
Archives,
clxxxiii., 212,
213.

Mass.
Archives,
clxxxiii., 210,
211. Legislative
Records of the
Council, xxxi.,
212-390.

ON THE PETITION of Sam^l M^cCobb Abiel Lovejoy & John Taylor praying that a post may be Established in the Eastern part of this State to ride from Falmouth to Thomaston

Resolved that a post be and hereby is Established whose Business Shall be to Ride from the Continental post office in Falmouth to Mason Wheaton^s Esq^r at the Lime works in Thomaston and to Return back to Falmouth to Meet the Continental Post there, and to Continue during the Pleasure of this Court Also

Resolved that Capt Lovejoy Capt Snow & Coll M^cCobb be a Committee to agree with Some Seutable person to perform the Same and it is further

Resolved that the Post Master at Falmouth be and he is hereby desired to order the Times for the Setting out & returning Said post from his office & to receive such Letters as may be brought to the Same by s^d post and to deliver out the Same According to the Rules and Postage of the Continental post office, also to Make up mails of Such Letters as may be put into his office to be Sent to the Eastern parts of the State & account with this Court for the money he Shall receive, and it is also

Resolved that M^r Ellis Gray be & hereby is appointed to write to Congress inclosing a Copy of this Resolve & desiring them as this Establishment is made to promote the Public advantage, to put the S^d post under the Continental pay & Establishment and subject him to the Rules and Directions of the General Post office Also

Resolved that Mason Wheaton Esq^r be & hereby is appointed to receive & make up Mails at y^e said Town of Thomaston & M^r John Wood is likewise appointed to receive & make up mails at the Town of Georgetown, who are hereby allowed to receive for their Service one fifth part of the Postage of Letters which shall be y^e same as is allowed to the General Post Office. [*Passed October 7.*]

CHAPTER 390.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY MAJOR
GENERAL HEATH WITH SUNDRY ARTICLES FOR THE USE OF
THE ARMY.

Legislative
Records of the
Council,
xxxviii., 92.
Mass.
Archives,
ccxv., 336.

Mass.
Archives,
ccxv., 337.

ON THE LETTER from Major General Heath praying the loan of thirty two Rheams of paper, & to be supplied wth Sundry Articles w^{ch} are to be charged in the Continental Account

Resolved that the Board of War be & they hereby are directed to deliver to Major General Heath or his order Thirty two Rheams of paper for Musquet Cartridges, Six Tons of Lead twenty thousand Flints, & One thousand pouches and Charge the same to the Continent at such rates as the Board of War shall think reasonable the Acts against Monopoly & Oppression notwithstanding. [*Passed October 7.*]

CHAPTER 391.

RESOLVE PROVIDING FOR THE SETTLEMENT OF THE ESTATE OF
ANDREAS WATERS.

ON THE PETITION of the Widow Waters Asa Waters and John Waters Relating to the Estate of Andres Waters Deceased Late Husband to the said Betty Waters, she being Now Administratrix on said Andres Estate, Setting forth that great Difficulties have arisen In settling said Estate, and that all parties concerned are willing to Submitt the Difficulties Subsisting amongst them to the Determination of such Persons as this Court shall Appoint therefore

Resolved that Timothy Sibley Abijah Burbank and Daniel Greenwood all of Sutton be and hereby are appointed and authorized, in behalf of the said Widow Waters and her two Small Children to Settle the Difficulties mentioned in said Petition Relating to the Estate aforesaid, that so Justice may be done to said Widow and Children aforesaid, which Settlement Provided said Widow consent to the Same be put upon Record in the Probate office in the County of Worcester, Shall be valid in Law to all intents and purposes as if said Difficulties mentioned in said Petition had been Settled in the life time of the said Andres Waters. [*Passed October 7.*]

Legislative
Records of the
Council,
xxxviii., 92.
Mass.
Archives,
ccxv., 338.

Mass.
Archives,
ccxv., 339, 340.

CHAPTER 392.

APPOINTMENT OF MAJOR EZRA MAY AS COLONEL OF THE 2ND
REGIMENT IN HAMPSHIRE COUNTY.

In the House of Representatives

The House made choice by ballot of Major Ezra May as Colonel of the second Regiment of Militia in the County of Hampshire in the room of Coll Pumroy deceased.

In Council

Read & Concurred. [*Passed October 7.*]

Legislative
Records of the
Council,
xxxviii., 93.
Mass.
Archives,
ccxv., 341.

CHAPTER 393.

RESOLVE PERMITTING CAPT. JOHN JOHNSON, A PRISONER, TO
GO ASHORE ON PAROLE.

ON THE LETTER of Cap^t Hector McNeil requesting that Cap^t John Johnson who was taken in the Merchant Service and now a Prisoner on Board the Guard Ship may be indulged with leave to stay on Shore at Lodgings

Resolved that the Request of Said Letter be granted and that the said Cap^t John Johnson be & hereby is permitted to come on Shore at Lodgings provided he give his Parole of Honor to the Commissary of Prisoners to behave in all respects in an orderly inoffensive Manner and to tarry in the Town of Boston 'till a Flag of Truce be ready to depart from hence for New York. [*Passed October 7.*]

Legislative
Records of the
Council,
xxxviii., 93.
Mass.
Archives,
cbxxxiii., 207.

Mass.
Archives,
cbxxxiii., 205,
206.

CHAPTER 394.

RESOLVE PROVIDING FOR THE ARREST OF DRAFTED MEN WHO
REFUSED TO MARCH ON THE SECRET EXPEDITION.

Legislative
Records of the
Council,
xxxviii., 94.
Mass.
Archives,
ccxv., 344, 345.

WHEREAS by information from the Commanding Officer of the detachment from this State at the State of Rhode-island, a number of drafted Men for the Secret Expedition have not joyned their respective Regiments, therefore

Resolved that the Commanding officer of y^e Militia of each town & where there are not Militia officers the Selectmen & Committees are hereby orderd & directed immediately to arrest such Persons and send them under proper Guard to the State of Rhode island & deliver them to the Commanding officer of the detachments raised by this State, unless each Person so arrested shall procure a Suitable man to march in his Stead within Twelve hours after being so arrested and whereas its represented to this Court that the Militia officers in some Towns have not yet drafted their Quota of Men for the purpose aforesaid Its further

Resolved that the commanding officer of the Militia of any such Town & where there are no such Officers the Selectmen & Committees are hereby ordered & directed immediately to draft them & order them forthwith to joyn their respective regiments at the State of Rhode-island, and on neglect or refusal to comply with their duty that they be proceeded with agreeable to the foregoing resolve

Resolved that any Militia Officer called upon by the Resolve of the Gen^l Court of the seventeenth of September last to detach Men for the Secret Expedition and have neglected to comply with their Duty; and shall neglect to comply therewith till the thirteenth Day of this Ins^d be as soon as may be after the Said Day tried by a General Court martial (for Neglect of Duty) to be appointed by the Brigadier commanding the Brigade to which he belongs, who is hereby Impowered and directed to appoint such Court Martial. [*Passed October 8.*¹]

CHAPTER 395.

RESOLVE FOR COLLECTING AND RETURNING THE LIBRARY AND
APPARATUS TO HARVARD COLLEGE.

Legislative
Records of the
Council,
xxxviii., 95.
Mass.
Archives,
ccxv., 312, 313.

WHEREAS the Library and Apparatus belonging to Harvard Colledge was sometime in the month of June 1775 removed by order of this Government from Colledge to some Towns in the Interior parts of the State, in order to preserve them from the devastation they were at that Time threatned with; and whereas by their remaining in such a dispersed and Scattered State they are liable to Considerable Loss & damage for want of proper Care being taken of the same, Therefore

Resolved that Such parts of said Library and Apparatus as have not yet been returned back to Colledge be Collected & brought back to their proper Apartments in Cambridge and that the Hon^b Council be and hereby are desired to Im loy some suitable Person or Persons to Execute this Business without Delay. [*Passed October 8.*]

¹ This date is October 7 according to Legislative Records of the Council.

CHAPTER 396.

RESOLVE ON THE PETITION OF FOSTER CRUFT.

ON THE PETITION of Foster Cruft, Praying for allowance for four Sails taken for the use of this State, in the year One thousand Seven hundred and Seventy five.

Legislative
Records of the
Council,
xxxviii., 97.

Resolve That the Board of War, be, and they are hereby Directed to deliver to the said Foster Cruft, two Sails of equal value to the two which were then apprizd at Eleven Pounds, thirteen Shillings and four pence. And that there be paid out of the Public Treasury of this State to the said Foster Cruft, the Sum of Thirteen Pounds, Six Shillings and Eight pence, in full for two of the said Sails mentioned in his Petition. [*Passed October 8.*]

CHAPTER 397.

RESOLVE DIRECTING THE COMMITTEE FOR IMPORTING FLOUR,
ETC., TO REPORT.

Resolved that the Committee appointed by a Resolve of the 17th of February 1776 to import Flour Rice &c on account of this State be & hereby are directed to lay an account of their doings before this Court as soon as may be. [*Passed October 9.*]

Legislative
Records of the
Council,
xxxviii., 97.
Mass.
Archives,
ccxv., 351.

CHAPTER 398.

RESOLVE PROVIDING THAT THE FUTURE EXPENCES OF THE WAR
BE SUPPORTED BY TAXATION.

WHEREAS the frequent Emissions of Bills of Credit of this State has proved prejudicial to their Currency & depreciated their Value. It is therefore

Resolved that the future Expences of the State in carrying on the present War &c be supported by Taxation only, and that the Taxes be levy'd & assess'd on the Inhabitants & punctually paid into the Treasury in such Sums & at such short Periods as the General Court shall hereafter direct. [*Passed October 9.*]

Legislative
Records of the
Council,
xxxviii., 98.
Mass.
Archives,
ccxv., 352.

CHAPTER 399.

RESOLVE ALLOWING HALF PAY TO RICHARD PRITCHARD.

ON THE REPRESENTATION of John Lucas Commisary of Continental Pansioners in behalf of Richard Pritchard Late a soldier in Col^o John Greatons Rigm^t & Cap^t Job Cushing Comp^y and who was wounded in the Leg at Hull on the 20th July 1775

Resolved that the said Rich^d Pritchard is Intitled to half pay to Comence from the 31st day of Decemb^r 1775. [*Passed October 9.*]

Legislative
Records of the
Council,
xxxviii., 98.
Mass.
Archives,
ccxv., 346.
Mass.
Archives,
ccxv., 347-
348.

CHAPTER 400.

RESOLVE ALLOWING HALF PAY TO BENJAMIN ALLEN RICHARDSON.

Legislative
Records of the
Council,
xxxviii., 98.
Mass.
Archives,
ccxv., 353.

ON THE REPRESENTATION of John Lucas Commissary of Continental Pansioners in behalf of Benj^a Allin Richardson Late a soldier in Col^o Israel H[utch] insons Rigem^t & Cap^t Enoch Putnans [Comp^y] who was wounded in the North River the 3^d day of Auges^t 1776

Mass.
Archives,
ccxv., 354-
355.

Resolved that the said Benj^a Allen Richardson is Intitled to half pay to Commence from the 31st day of Decr 1776. [*Passed October 9.*]

CHAPTER 401.

RESOLVE ESTABLISHING PAY OF MEMBERS OF THE GENERAL COURT.

Legislative
Records of the
Council,
xxxviii., 100.
Mass.
Archives,
ccxv., 356.

WHEREAS by the advanced Price of the necessaries of Life the established Pay of the members of this Court is become inadequate to their daily Expence:

Legislative
Records of the
Council,
xxxvi., 327.

Resolved that there be allowed to the Representatives Eight Shill^{gs} p Day & to the members of the hon^{ble} Council ten Shill^{gs} & eight pence p Day for each Days Attendance & that the Pay Roll for the last & present Sessions of the General Court be made up accordingly. [*Passed October 10.*]

CHAPTER 402.

RESOLVE ON THE PETITION OF EPHRAIM JONES.

Legislative
Records of the
Council,
xxxviii., 100.
Mass.
Archives,
ccxv., 357.

ON THE PETITION of Ephraim Jones Praying for liberty to purchase salt of the Board of War

Mass.
Archives,
ccxv., 358.

Resolved that the Prayer of the petition be so far Granted that the Board of War be Directed and they are hereby Directed to Deliver to Ephraim Jones five bushels of Salt he the S^d Jones paying a reasonable price for the same. [*Passed October 10.*]

CHAPTER 403.

RESOLVE GRANTING £10,000 TO THE COMMITTEE FOR SUPPLYING THE ARMY WITH SLOPS AND SMALL STORES.

Legislative
Records of the
Council,
xxxviii., 101.

Resolved That the Treasurer of this State, be, and he hereby is Directed to pay into the hands of the Committee appointed to supply the Army with Slops and small Stores, the Sum of Ten thousand pounds, to enable them to execute their trust; they to be accountable to the General Court for the expenditure of the Sums they shall respectively receive. [*Passed October 10.*]

CHAPTER 404.

RESOLVE FOR SUPPLYING THE BRIG HAZARD WITH CANNON.

WHEREAS four six pounders are necessary to equip the Brigg: Hazard belonging to this State for the Sea & whereas it is represented to this Court that they may be got from the Prize Ship Johnson taken by the State Brigg Massachusetts & by the Cap^{ts} Greely & Gardiner in private arm'd Vessells.

Legislative
Records of the
Council,
xxxviii., 101.
Mass.
Archives,
ccxv., 360.

Resolved that Calcb Davis Esq^r be & he hereby is impower'd to take from the s^d Prize Ship Johnson four six pound Iron Cannon for the use of the Brigg Hazard & this State will be accountable to the Captors for the same at Such price as shall be Sett on them by three Persons to be appointed for that purpose by the Captors and the said Davis. [*Passed October 10.*]

CHAPTER 405.

RESOLVE ON THE PETITION OF ISRAEL REED.

ON THE PETITION of Israel Reed, Praying that he may be allowed for a Gun which was lost in the Battle at Bunker-Hill.

Legislative
Records of the
Council,
xxxviii., 102.

Resolved, That there be paid out of the Public Treasury of this State to Israel Reed the Sum of Three Pounds in full for the loss of his Gun at Bunker-Hill. [*Passed October 10.*]

CHAPTER 406.

RESOLVE FOR SUPPLYING SOLDIERS' FAMILIES.

WHEREAS the very exorbitant prices at which most of the necessities of Life are sold at the present Day renders it fit and reasonable that effectual provision should be made for Supplying, at reasonable rates, the Families of such Noncommissioned Officers & private Soldiers as have engaged in the Continental Army, therefore

Legislative
Records of the
Council,
xxxviii., 102.
Mass.
Archives,
ccxv., 362-365.

Resolved that the Selectmen of the several Towns in this State who have not already made Sufficient provision for this purpose be, and they are hereby directed, immediately upon the Receipt of this resolve, to call meetings of the Freeholders and other qualified voters within their Towns, respectively, which Towns thus assembled are hereby empowered & directed to make effectual provision that the Families of such noncommissioned Officers & privates in their respective Towns as have engaged in the Continental Service shall be Supply'd from and after y^e first day of Septe^r last with such Necessaries of Life as their Circumstances may require, to the amount of such Sum as shall be lodg'd by such noncommission'd Officers and Private Soldier with such Committee as has been or shall be appointed by the several Towns for this purpose not exceeding the one half part of their Wages respectively (the other half doubtless the Soldier will be supply'd with in Camp by the State Commissary), they paying for the same at the rates set and limited in an Act entitled "an Act to prevent monopoly and Oppression" or at the rates they have been sett at in each Town in pursuance of said act, Provided nevertheless the said Committee shall refrain from Supplying the Families of such

Men as have received Bounties, (either from the Town for which they Enlisted, or from Individuals in consideration of their entering into the Continental Army) for so long a time as the said Committee shall judge the Bounties, they have respectively received, would have answered to defrey the extra Expence of Supplying their respective Families with necessaries

And also

Resolved that in Case any Town shall refuse or neglect to make such provision, that in such Case the Selectmen in such Town or Towns & their Successors in Office shall make such provision and exhibit to this Court an account of the Surplus of the Costs of the necessaries of Life by them so Supply'd for payment, with a reasonable sum for their trouble and expences, and the monies paid on such accounts shall be annexed to the then next Taxes of those Towns for which such Soldiers are inlisted and returned as part of their Quota of the Continental Army; And those Towns which shall in persuance of this Resolve make provision for the Families of any Soldiers within their Respective Towns who are returned as having inlisted for some other Town as part of their Quota of the Continental Army, that then the Selectmen of such Towns shall have a right to charge the extra expence of the necessaries with which such Families were by them Supply'd with a reasonable Sum for their Trouble and expences to this State and lay their Accounts before the General Court for examination and payment thereof, and the several Towns for whom such Soldiers were Hired (after being notified) shall be Charged with the sums thus paid in the then next Tax-Bill

And it is further

Resolved that the Committees of the Several Plantations shall make the like Provision for the Families of any Soldiers within their Respective Plantations who are Returned as having inlisted for any Town as Part of their Quota of the Continental Army and that the Committee of such Plantation shall have a right to charge the Extra Expence of the Necessary's, with which such Families were by them Supplied with a reasonable Sum for their Trouble and Expences to this State, and lay their Accounts before the General Court for Examination & payment thereof, and the Several Towns for which such Soldiers were hired (shall be charged with the Sums thus paid after being notified in the then next Tax Bill) and said Committees are directed to use their influence in their respective Plantations, that like Provision may be made by their Plantation for the Families of such Non Commissioned Officers and Privates as are in the Continental army as the Quota of that Plantation. [*Passed October 10.*]

CHAPTER 407.

RESOLVE ON THE PETITION OF MOSES LITTLE.

ON THE PETITION of Moses Little Esq^r praying that in Behalf of his Brother Paul Little of Falmouth who lost his House Shop & Goldsmith's Tools in the Burning of that Town he may be permitted to purchase of the Committee of Sequestration such a Quantity of Tools as are necessary for his Brother to set up his Business again

Resolved that the Committee of Sequestration be & they hereby are directed to deliver to Moses Little Esq^r for the Use of his Brother Paul Little a Set of Goldsmiths Tools if in their Possession taking a reasonable Price for the same. [*Passed October 10.*]

CHAPTER 408.

RESOLVE ALLOWING WILLIAM SMITH AND FAMILY TO PROCEED
TO HALIFAX OR NEW YORK.

ON THE PETITION of William Smith praying Leave for himself
Wife Mother & a Boy his Brother in Law to depart in the first
Cartel for New York or Halifax

Resolved that W^m Smith be & he hereby is permitted with his
Wife, Mother & a Boy his Brother in Law to go in the first Cartel
for New York or Halifax. [*Passed October 10.*]

Legislative
Records of the
Council,
xxxviii., 100.
Mass.
Archives,
clxxxiii., 110.
Mass.
Archives,
clxxxiii., 109.

CHAPTER 409.

RESOLVE ALLOWING JOHN NESS AND FAMILY TO PROCEED TO
HALIFAX, NEWPORT OR NEW YORK.

ON THE PETITION of Jn^o Ness praying for Leave for himself,
Wife & Child & to take Passage in the first Cartel for New York
or Newport

Resolved that John Ness be & he hereby is permitted with his
Wife & Child to take Passage for New York, Newport or Halifax
in the first Cartel for either of those places. [*Passed October 10.*]

Legislative
Records of the
Council,
xxxviii., 99.
Mass.
Archives,
clxxxiii., 222.
Mass.
Archives,
clxxxiii., 220.

CHAPTER 410.

RESOLVE DIRECTING THE SECRETARY TO WRITE A LETTER TO
PELEG WADSWORTH, ESQ^r.

Resolved that the Secretary be & he hereby is directed to write
to Peleg Wadsworth Esqr a Member of the Board of War & inform
him that this Court desire to know whether it is his Intention to
sit, or to resign his Seat, at the s^d Board. [*Passed October 10.*]

Legislative
Records of the
Council,
xxxviii., 101.
Mass.
Archives,
ccxv., 359.

CHAPTER 411.

RESOLVE FOR PAYMENT OF SALARY OF BENJAMIN KENT, ATTOR-
NEY GENERAL.

ON THE PETITION of Benjamin Kent Esq^r praying allowance for
his Services as Attorney-General for this State from April One
thousand Seven hundred and Seventy Six to July One thousand
Seven hundred and Seventy Seven Inclusive.

Resolved That there be allowed and paid out of the Treasury of
this State, Thirty Pounds Lawful Money to Benjamin Kent Esq^r
in full for his Services as Attorney-General During the above
Period. [*Passed October 11.*]

Legislative
Records of the
Council,
xxxviii., 105.
Mass.
Archives,
clxxxiii., 224,
225.

CHAPTER 412.

RESOLVE APPOINTING A COMMITTEE TO RECEIVE AND COLLECT FIRE-ARMS.

Legislative
Records of the
Council,
xxxviii., 106.
Mass.
Archives,
ccxv., 363.

WHEREAS a Considerable Number of Fire-arms are Lent out, and are Deposited in different parts of, and Belonging to this State therefore

Resolved that Cap^t Abner Ellis, Cap^t Jacob Boardman, Cap^t Joseph Hosmer jun, M^r William Scott, Cap^t Ebenezer White, Cap^t Ebenezer Jenkins, M^r George Coddington, Joseph Simson Esq^r M^r David Bigelow, Cap^t Joseph Noyes, Cap^t William King and M^r Abial Lovejoy, Be and Hereby are appointed a Committee to make Enquiry after, and Endeavour to find out where Said fire-arms are Deposited & to Receive and Collect the Same. And all Persons having any of Said fire arms in their Possession are hereby ordered and Directed to Deliver them Into the Hands of s^d Committee for the use of this State, who are to be accountable to this Court for y^e same except those Guns delivered the Selectmen of several Towns in this State by the Commissary General of this State in May & June last for the Purpose of being repaired and by the Militia of their Towns used 'till further Orders of the General Court or the Council And it is further

Resolved that In Case any of the fire arms are Disposed of by the Select men and Committees &c of any Towns in this State, and they have Received the money for them The said Selectmen and Committees &c hereby are ordered and Directed, to pay Such monyes Into the Hands of s^d Committee, who are Hereby Impowered to Receive the Same and account with this Court therefor. [*Passed October 11.*]

CHAPTER 413.

RESOLVE GRANTING £S. 16 FOR MILEAGE OF CAPT. JOSIAH KEITH'S COMPANY.

Legislative
Records of the
Council,
xxxviii., 106.

ON THE PETITION of Captain Josiah Keith of Easton, Praying that a mistake may be rectified concerning the Mileage of the Militia Company he marched from said Easton to Warren in the State of Rhode-Island in December last.

Resolved That there be paid out of the Treasury of this State to the said Captain Josiah Keith, the Sum of Eight Pounds, Sixteen Shillings, for the use of said Company, to Compleat and make up their Mileage-Money in full. [*Passed October 11.*]

CHAPTER 414.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER GUN-POWDER, ETC., TO THE SELECTMEN OF CHARLESTOWN.

Legislative
Records of the
Council,
xxxviii., 107.
Mass.
Archives,
ccxv., 369.

ON THE PETITION of the Selectmen of Charlestown praying that the Commissary General should be directed to replace their Town Stock of Powder Balls & Flints which were in May 1775 applied to public uses.

Resolved that the Board of War be, & they hereby are directed

Mass.
Archives,
ccxv., 369-
370j.

to diliver to the Selectmen of the Town of Charlestown four hundred pounds weight of Gun-Powder, three hundred pounds weight of musket Balls & four hundred flints, for the use of said Town and that the same (if not already done) be charged to the United States. [*Passed October 11.*]

CHAPTER 415.

APPOINTMENT OF GILES JACKSON AS LIEUT. COLONEL OF THE 1ST REGIMENT IN BERKSHIRE COUNTY.

In the House of Representatives

The House made choice by ballot of M^r Giles Jackson as Lieut Coll of the first Regiment of militia in the County of Berkshire, in the room of L^t Coll Root deceas'd.

In Council

Read & Concurred. [*Passed October 11.*]

Legislative
Records of the
Council,
xxxviii., 107.
Mass.
Archives,
ccxv., 371.

CHAPTER 416.

RESOLVE DESIRING THE COUNCIL TO APPOINT MARINE OFFICERS TO SERVE ON BOARD THE BRIGANTINE HAZARD.

ON THE PETITION of Simeon Samson Commander of the Brigantine Hazard in the Service of this State praying that Officers of Marines may be appointed and provision made for them on board said Vessel

Resolved that the Council be & hereby are desired to appoint the following Marine Officers to serve on board the Brigantine Hazard an Armed Vessel fitted out by this State whose pay & shares of prizes shall be as follows viz^t

A Lieutenant of Marines	.	.	.	five pounds & 3 Shares
A Serjeant	.	.	.	three pounds & 1 & $\frac{1}{2}$ Share
A Corporal	.	.	.	Two pounds ten shillings & 1 & $\frac{1}{4}$ Share.

[*Passed October 11.*]

Legislative
Records of the
Council,
xxxviii., 107.
Mass.
Archives,
ccxv., 372.

Mass.
Archives,
ccxv., 373.

CHAPTER 417.

RESOLVE ON THE COMPLAINT OF THE COMMITTEE OF CORRESPONDENCE, ETC., OF BOSTON AGAINST ROBERT PIERPOINT, COMMISSARY OF PRISONERS.

THE COMMITTEE of Correspondence &^c of the Town of Boston, having on the 12th of September last exhibited to the General Court, a Memorial containing fourteen Articles complaining that Robert Pierpoint Esq^r Co^mmissary of Prisoners, had in divers Instances exceeded the Line of his duty &^c &^c¹ and the said Commissary & Committee being fully heard before both Houses on the Second Instant

Resolved that although the Co^mittee of Correspondence &^c of the Town of Boston have discovered a zealous Attachment to the Interest of their Country and a Close attention to the discharge of their trust, yet it appears to this Court that they have failed in Supporting most of the charges they have exhibited against the said Commissary Pierpoint, whose Conduct in general, considering

Legislative
Records of the
Council,
xxxviii., 84.
Mass.
Archives,
ccxv., 374, 375.

Mass.
Archives,
ccxv., 376-396.
Legislative
Records of the
Council,
xxxviii., 74, 81.

¹ Sic.

the nature of his Office, and the many difficulties, in these times of Jealousy, attending the execution of it, has been as unexceptionable as could reasonably have been expected

And Whereas, the said Commissary did inadvertently Countenance one of the Prisoners in buying a Quantity of Indigo with a View to carry the same in the Cartel to New York and also did from the Principles of Humanity, tho' without proper Authority, permit the Officers of the Fox, now Prisoners on board the Prison Ship, to land at Lechmere's Point under the Care of the Captain of said Prison-Ship, who suffered them to Range too far from the guard ship and also suffered the Cartel to proceed without being Searchd

Resolved that the said Commissary in these Instances has not Acted with all that Care and Circumspection that the nature of his Office required And that he be enjoined in future to Conduct with more Caution. [*Passed October 13.*¹

CHAPTER 418.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY CLOTHING TO OFFICERS OF COL^O SAMUEL BREWER'S REGIMENT.

Legislative
Records of the
Council,
xxxviii., 108.
Mass.
Archives,
clxxxiii., 199.

ON A LETTER from Col^O Samⁿ Brewer dated y^e 3^d Ins^t directed to the Board of War praying for Cloths for himself & officers

Resolved that the Board of War be, & they are hereby directed to send to the said Col^O Samⁿ Brewer, thirty Six Suits of Cloaths, Agreeable to his request. [*Passed October 13.*

Mass.
Archives,
clxxxiii., 198.

CHAPTER 419.

RESOLVE ALLOWING ACCOUNT OF BENJAMIN GREEN.

Legislative
Records of the
Council,
xxxviii., 108.

ON THE PETITION of Benjamin Green, Shewing that in Consequence of an Order of the Honb^{le} Council to Captain Samuel Reed, he, the said Benjamin, was Ordered to Convey to the Northern Army a number of Persons viz. Joseph Taft Jun^r Benjamin Thompson, Rufus Harris, and Ebenezer Chase, that was Draughted, but refused to Join the Army And Praying that his Accompt therefore may be allowed.

Resolved That the Petitioner Benjamin Green be allowed and paid out of the Public Treasury of this State the Sum of Fifty two Pounds One Shilling and four pence in full for said Service; and that the Same be stopped out of the said Soldiers Wages or otherwise be recovered as this Court shall Order. [*Passed October 13.*

CHAPTER 420.

RESOLVE GRANTING £296. 6. 11 TO CAPT. JAMES JOHNSON OF THE BRIGANTINE ROCKINGHAM FOR SERVICES, EXPENSES, ETC.

Legislative
Records of the
Council,
xxxviii., 111.

UPON THE MEMORIAL of James Johnson, Master of the Brigantine Rockingham, who was sent to Europe by the Committee of Supplies for Military Stores, Praying for recompence for his Services.

¹ This date is October 4 according to Legislative Records of the Council.

Resolved That the Sum of Two hundred Ninety Six Pounds, Six Shillings and Eleven Pence, be allowed and paid out of the Public Treasury of this State to Captain James Johnson in full for his Services, Expences and Losses, while Master of the Brigantine Rockingham, in the Service of this State. [*Passed October 13.*]

CHAPTER 421.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO DELIVER BACK RATIONS TO CAPT. SIMEON SAMSON.

ON THE PETITION of Captain Simeon Samson. Praying, that the Commissary-General of this State may be Directed to deliver him such Back-Rations as are due to him, while in the service of this State, from August first, One thousand Seven hundred and Seventy Six, to July Fifth, One thousand Seven hundred and Seventy Seven.

Legislative
Records of the
Council,
xxxviii., 112.

Resolved That the Commissary-General of this State, be, and hereby is directed to Deliver to Captain Simeon Samson, all such Back-Rations as shall appear to him to be due to said Captain Samson, while in the service of this State, from August First, One thousand Seven hundred and Seventy Six to July fifth, One thousand Seven hundred and Seventy Seven. [*Passed October 13.*]

CHAPTER 422.

RESOLVE DIRECTING THE TREASURER TO RECEIVE 800 UNITED STATES LOTTERY TICKETS.

THE COMMITTEE of both Houses to whom was referred the Letter from the Board of Treasury & also from John Ord Esq^r relative to Eight hundred Ticketts belonging to y^e Lottery of the United States have attended that service & beg leave to report by way of Resolve

Legislative
Records of the
Council,
xxxviii., 111.
Mass.
Archives,
ccxv., 408.

THOMAS CUSHING p^r order.

Whereas the Board of Treasury at Philadelphia has forwarded to the Hon^{ble} the Council of this State Eight hundred Ticketts of the United States Lottery, agreeable to a Resolution of Congress passed the 6th of August last, in order that the Sale of the same may be expedited and as it is of great Importance to the United States that this Lottery Should be Speedily drawn, and to that End that the Ticketts Should be disposed of with all possible dispatch therefore

Mass.
Archives,
cxlii., 111.

Resolved that the Treasurer of this State be and hereby is directed to receive of Jonathan Williams Esq^r the Eight hundred Ticketts above referred to, on account and risque of this State, and to Carry the amount of the Value thereof to the credit of the United States of America, And that the Said Treasurer keep the Said Ticketts in some Safe Place untill the further order of the General Court & lodge the number of each in the Secretaries office as soon as he receives them.

In the House of Representatives

Read & pass'd

In Council

Read & Concurred. [*Passed October 14.*¹]

¹ This date is October 13 according to Legislative Records of the Council.

CHAPTER 423.

Legislative
Records of the
Council,
xxxviii., 113.
Mass.
Archives,
ccxv., 406.

Mass.
Archives,
ccxv., 407.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER SULPHUR TO EPHRAIM LAWRENCE.

Resolved that the Board of War be and they are hereby Directed to deliver to Ephraim Lawrence four Hundred weight of sulpher to manufacture into Gun Powder he paying for the same. [*Passed October 14.*]

CHAPTER 424.

RESOLVE APPOINTING OFFICERS FOR THE MILITIA COMPANIES IN GREAT BARRINGTON AND NEW MARLBOROUGH.

Legislative
Records of the
Council,
xxxviii., 113.
Mass.
Archives,
ccxv., 403.

Mass.
Archives,
ccxv., 404.

Resolved that the two Companies of Militia in the Town of Great Barrington be Reduced into one Company & that the following Gentlemen be Commissioned according to Col Ashley's request viz. Silas Goodrich, Cap^t Charles Parsons 1st Lieut^t Thomas Ingersoll 2^d Lieut^t & John Powell 3^d Lieut^t & that the said John Powell have the rank of 2^d Lieut^t in Col. Ashley's Regiment

Further

Resolved that the following Gentlemen be Commissioned over the Company in New Marlborough Lately Commanded by Cap^t Ephraim Gitteau, viz John Collar, Cap^t Eli Harman 1st Lieut^t and Aaron Spaulding 2^d Lieut^t. [*Passed October 14.*]

CHAPTER 425.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY JOHN BROWN CUTTING WITH MEDICINES FOR THE WOUNDED IN MILITARY HOSPITALS.

Legislative
Records of the
Council,
xxxviii., 114.
Mass.
Archives,
ccxv., 401.

Mass.
Archives,
ccxv., 402.

ON THE PETITION of John Brown Cutting Esq^r praying that the Hon Council and House of Representatives of this State would as soon as possible issue an order to furnish him with such artikels or a proportion of them as are Imadatly Requiset for the sick and wounded soulders in the milatery Hospitels.

Resolved that the Board of War be and they hearby are Directed to Sell to John Brown Cutting Esq^r or order such a proportion of Medisons as they Can spare for the sick and wounded in the military Hospitels he paying for the same. [*Passed October 14.*]

CHAPTER 426.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH THE GENERAL COURT A LIST OF ARTICLES ON HAND.

Legislative
Records of the
Council,
xxxviii., 114.
Mass.
Archives,
ccxv., 399, 400.

WHEREAS it has been represented to this Court that the Board of Warr have sundry Articles on hand belonging to this state, which are not wanted for the service of the same therefore

Resolved that the said Board of Warr be and hereby are diricted to lay before this Court a list of all Such articles with their Cost as Soon as may be that this Court may take order thereon. [*Passed October 14.*]

CHAPTER 427.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER SULPHUR
TO JONATHAN HALE.

Legislative
Records of the
Council,
xxxviii., 114.
Mass.
Archives,
ccxv., 397.

UPON THE PETITION of Jonathan Hale praying for a quantity of
sulphur &c

Resolved that the Board of War be & hereby is Directed to
deliver to Jonathan Hale half a Ton of Sulpher he paying for the
same. [*Passed October 14.*]

Mass.
Archives,
ccxv., 398.

CHAPTER 428.

RESOLVE ON THE PETITION OF EBENEZER BRADISH.

ON Y^e PETITION of Eben^r Bradish Attorney to Hezekiah Crosby
Joseph Reed John Gowing, Ephraim Crosby & Simeon Carter,
praying for Liberty to enter Complaints at y^e Superior Court
against David Parker Leonard Richardson Jon^a Bradshaw Nath^l
Brooks Jun^r and others, & Edmund Richardson, for not prose-
cuting their appeals from the Inferior Court of Comon Pleas held
within & for y^e County of Middlesex, on the Third Tuesday of
May AD 1774.

Legislative
Records of the
Council,
xxxviii., 115.
Mass.
Archives,
ccxv., 409.

Mass.
Archives,
ccxv., 410.

Resolved that y^e said Petitioners have Liberty to enter their
Complaints at the next Superior Court &c to be held at Cambridge
in said County of Middlesex on y^e last Tuesday of Oct^r Currant &
to receive affirmation of the Judgements aforesaid & that s^d Su-
perior Court be, & hereby is Impowerd to give Judgement upon
such Complaints as tho' y^e same appeals had been made to y^e
same Superior Court, the Petitioners giving Seven Days Notice
thereof to y^e appellants. [*Passed October 14.*]

CHAPTER 429.

RESOLVE ON THE PETITION OF JOSIAH RICHARDSON.

WHEREAS Josiah Richardson in his Petition hath set forth the
Damages he sustained on the Nineteenth of April One thousand
Seven hundred and Seventy five; and also allowance for Services,
as is set forth in the Account thereto annexed.

Legislative
Records of the
Council,
xxxviii., 115.

Resolved That the Prayer thereof be granted, and that the Sum
of Twenty One Shillings be allowed and paid out of the Publick
Treasury to the said Josiah Richardson, in full of his Account for
the Damages and Services mentioned in said Petition. [*Passed
October 14.*]

CHAPTER 430.

RESOLVE ON THE PETITION OF JOSHUA LAMB.

ON THE PETITION of Joshua Lamb Esq Praying that this Court
would Grant Him a peace of Vacant Land of two Hundred acres
Near the township of Camden between Penobscot Hills, also Pray-
ing that a pass be Granted for a Vessell to go to Novascotia to
bring His family, and Noah Miller with His family to Settle In
this State.

Legislative
Records of the
Council,
xxxviii., 108.
Mass.
Archives,
clxxxiii., 228,
229.

Mass.
Archives,
clxxxiii., 226,
227. Legislative
Records of the
Council,
xxxviii., 106.

Resolved that the Prayer of the Petition be so far Granted, that In Case He the said Joshua Lamb Esq^r Can find any unappropriated Land in the County of Lincoln, the Property of this State: that He Shall Have Liberty to Lay out a Tract thereof Not Exceeding two Hundred acres, adjoining to some former Grant The Surveyor and Chainman being under oath In the following form, viz two Hundred Rods In Length, and one Hundred and Sixty Rods In Wedth, And Return to this Court a plan thereof within Twelve months that Said Lands may be Granted to Him

And that a Pass be Granted for the Purpose Mentioned In His Petition. [*Passed October 15.*¹]

CHAPTER 431.

RESOLVE GRANTING £150 TO BENJAMIN EDES.

Legislative
Records of the
Council,
xxxviii., 116.

ON THE PETITION of Benjamin Edes, Setting forth, that he procured to be apprehended, examined and Committed to Prison One Nathanael Davis of Boston, on suspicion of his having been Concerned in Counterfeiting the Bills of Credit of this State; and that he found upon him the said Davis the false Plate or Instrument by which the fraud was perpetrated, and that the said Davis made his escape before he was brought to trial and convicted of the Crime aforesaid, whereby he the said Edes is prevented from recovering the reward for Discovering the Facts aforesaid to which he would otherwise have been entitled.

Resolved That there be allowed and paid out of the Public Treasury of this State to Benjamin Edes of Boston, the Sum of Fifty Pounds, as a reward for causing the aforesaid Nathanael Davis to be apprehended and committed to Jail And the further Sum of One hundred Pounds, as a reward for Discovering and finding upon him the false Plate or Instrument by which he Counterfeited the Bills of this State. [*Passed October 15.*]

CHAPTER 432.

RESOLVE ON THE PETITION OF THE SELECTMEN OF WOBURN.

Legislative
Records of the
Council,
xxxviii., 117.

ON THE PETITION of the Selectmen of the Town of Woburn, Praying for allowance for Supporting Mary Shute.

Resolved That there be paid out of the Public Treasury of this State to the said Selectmen of Woburn, the Sum of Thirteen Pounds in full for supporting the said Mary Shute from September Seventeenth One thousand Seven Hundred and Seventy Six, to September Seventeenth One thousand Seven hundred and Seventy Seven, being twelve Months.

And it is further

Resolved That the Selectmen of the Town of Woburn be Directed to remove the said Mary Shute to the Town of Malden, and deliver her to the Care of the Selectmen there, who are hereby Directed to make suitable provision for her Support, and lay their Accounts before the General Court for allowance. [*Passed October 15.*]

¹ This date is October 13 according to Legislative Records of the Council.

CHAPTER 433.

RESOLVE DIRECTING THE TREASURER TO RECEIVE 100 ADDITIONAL UNITED STATES LOTTERY TICKETS.

WHEREAS the Board of Treasury at Philadelphia has forwarded to the Hon. Council of this State Nine Hundred Tickets of the United States Lottery, in Order that the Sale of the same might be expedited, and Whereas the Resolve of this Court passed the 14th Instant, directs the Treasurer to receive to the Account of this State only Eight Hundred of said Tickets; although the Intention of this Court was to receive to the Use & account of this State the whole Number forwarded as aforesaid.

therefore

Resolved that the Treasurer of this State, be, and hereby is directed to receive of Jonathan Williams Esq^r the remaining Number of One Hundred Tickets of the United States Lottery, on Account and Risque of this State, and to Carry the amount of the Value thereof to the Credit of the United States of America; The said Treasurer in other respects, conforming to the directions given him in the Resolve before referred to. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxviii., 119.
Mass.
Archives,
ccxv., 418.

CHAPTER 434.

RESOLVE ALLOWING £50 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

ON THE PETITION of M^r Stephen Sewall, Hancock Professor of the Hebrew and other Oriental Languages in Harvard College, Praying a Consideration for the Discharge of the Duties of his Office for the year One thousand Seven hundred and Seventy Six.

Resolved That there be allowed and paid out of the Treasury of this State to the Petitioner, the Sum of Fifty Pounds as a gratuity in consideration of his faithful Discharge of the Duties of his Office, for One year ending the last Day of December, One thousand Seven hundred and Seventy Six in full for such his Services to that time. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxviii., 119.

CHAPTER 435.

RESOLVE ON THE PETITION OF ABIEL WOOD.

ON THE PETITION of Abiel Wood.

Resolved that the Treasurer of this State, be and he is hereby Directed to pay the Said Wood any Sum or Sums of Money, being the Neat Proceeds of the Sloop Betsy Which he has Received or may hereafter Receive of Pelatiah Webster by Virtue of any former Order of this Court, and in Case the Said Money is or Shall Not be paid into the Treasury of this State the Said Wood have Liberty to Receive Said Sum of Said Webster and the Said Webster is hereby Directed to pay the Same Accordingly any Resolve of this Court to the Contrary Notwithstanding. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxviii., 120.
Mass.
Archives,
ccxv., 412.

Mass.
Archives,
ccxv., 413-416,
417, 417½.

CHAPTER 436.

RESOLVE FOR PAYMENT OF EXPENSES OF SICK AND WOUNDED SOLDIERS AND LOSSES SUSTAINED BY THEM.

Legislative
Records of the
Council,
xxxviii., 120.
Mass.
Archives,
ccxv., 430.

Resolved That the Soldiers belonging to this State who have marched to reinforce the continental Army to New York Ticonderoga or elsewhere and were taken sick in their march to, or return from the Camp, or were wounded while in the Army and have had no Compensation for extraordinary Expences arising from such Sickness or Wounds be allowed Pay for such Expences, they making application to the Committee on Accounts appointed by this Court and producing sufficient Evidence that such Expences were in Consequence of their Sickness or of their Wounds; And it is further

Resolved that a full Compensation be made to such of the afore-said Soldiers who have sustained Losses in the Army they producing a Certificate from their Captain or commanding Officer that such Loss was occasioned by a necessary Retreat, or an Engagement with the Enemy, Provided they make out a fair account of the particular Articles they have lost and make Oath before some Justice of the Peace that the same were lost in some necessary Retreat or Engagement with the Enemy and according to his or their best judgment are of such Value as is exhibited in his or their Account. [*Passed October 17.*]

CHAPTER 437.

APPOINTMENT OF COL^O JONATHAN TITCOMB AS BRIGADIER OF THE MILITIA IN ESSEX COUNTY.

Legislative
Records of the
Council,
xxxviii., 121.
Mass.
Archives,
ccxv., 429.

In the House of Representatives

The House unanimously made choice by ballot of Coll Jonathan Titcomb, as Brigadier of the Militia in the County of Essex, in the room of Hon Michael Farley Esq^r elected major General.

In Council

Read & Concurred. [*Passed October 17.*]

CHAPTER 438.

RESOLVE IMPOWERING EUNICE WILSON, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 121.
Mass.
Archives,
ccxv., 426.

ON THE PETITION of Eunice Willson of Bolton in the County of Worcester Widow & Administratrix of the Estate of her late Husband Cap^t Nathaniel Willson deceased intestate, & others the heirs of the Dec^d Praying that She the Said Eunice may be impowered to make & execute a good deed of Sale of the Farm in Bolton Afore Said which did belong to her [late] dec^d Husband, Capt Nathaniel Willson Aforesaid, to Stephen Hall Ter^{us} of medford, Agreeable to the bargain or Contract made between the Said Cap^t Willson, a little before his decease, & Said Hall.

Resolved that the Said Eunice Willson be & She is hereby impowered to make & execute a good & Sufficient deed of Sale of the Aforesaid Farm to the Aforesaid Stephen Hall Tertius, Agreeable

Mass.
Archives,
ccxv., 427, 428.

to the contract made between her Said deceased Husband & Said Hall, & that She give proper security to the Judge of Probate for the County of Worcester that She will pay & distribute the money Arising by Said Sale, According to the directions of the Law respecting intestate Estates. [*Passed October 17.*]

CHAPTER 439.

RESOLVE ON THE PETITION OF FRANCIS SHAW.

ON THE PETITION of Francis Shaw praying that his Accounts may be allowed for Rum and other articles he supplied y^e State while in their Service and that milage may be allowed to y^e Sixty men who travelled from S^t Johns to Machias & for allowance of his disbursements on the Sch^r Hannah & Molley

Legislative
Records of the
Council,
xxxviii., 121.
Mass.
Archives,
ccxv., 425.

Resolved that Milage be allowed the 60 Men who travelled from S^t Johns to Machias and that Francis Shaw deliver in his Account therefor and all his Accounts set forth in said petition to the Committee of Accounts who hereby are directed to settle the same as shall appear to them just and reasonable. [*Passed October 17.*]

Mass.
Archives,
ccxv., 419, 423,
424.

CHAPTER 440.

RESOLVE EXTENDING THE TIME FOR SETTLING THE TOWNSHIP GRANTED WILLIAM BULLOCK AND OTHERS.

ON THE PETITION of Asahel Carpenter Agent to the Proprietors [of] a Township of Land Granted to William Bullock Esq^r and others april 22^d 1771 Lying on Hoosock Mountain In the County of Barkshire, Praying that the Injunction may be Taken off or the Time Lengthned out for the Settlement of Said Township

Legislative
Records of the
Council,
xxxviii., 122.
Mass.
Archives,
clxxxiii., 238.

Resolved that the Prayer of the Petition be so far Granted as that the time for the Settlement thereof be & hereby is lengthned out for the further term of Seven years from and after the twenty Second Day of april Next. any thing In Said Grant to the Contrary Notwithstanding. [*Passed October 17.*]

Mass.
Archives,
clxxxiii., 237.

CHAPTER 441.

RESOLVE ON THE PETITION OF JOHN DAVIS, PENSIONER.

ON THE PETITION of John Davis.

Resolved That there be paid out of the Public Treasury to Edward Johnson, the Sum of Six Pounds to be by him paid to the Petitioner, being in full for the Continuance of his Pension for two years to the last Day of September, One thousand Seven hundred and Seventy Seven. [*Passed October 17.*]

Legislative
Records of the
Council,
xxxviii., 124.

CHAPTER 442.

RESOLVE DIRECTING THE COMMITTEE OF SUPPLIES TO FORWARD THE PUBLIC STORES ON HAND TO THE NORTHERN ARMY.

Legislative
Records of the
Council,
xxxviii., 125
Mass.
Archives,
ccxv., 421, 422.

THE COMMITTEE of both houses appointed on the within order beg leave to report by way of resolve

JOHN WHETCOMB by order

Mass.
Archives,
ccxv., 420.

Whereas it is represented to this Court that the Troops from this State in the Northern Department are suffering through the want of such necessaries as have been promised them therefore

Resolved that the Committee of Supplies of this State send forward to the army all the stores now in their hands belonging to the public without delay. And to enable them effectually to perform the same that upon application made by any one of said Committe to a Justice of the Peace and where none shall be right at hand to any two Select-men of any town, that such Justice or Select-men issue his or their warrant to any Constable of s^d town to impress so many teams carriages & drivers belonging to said town as said Committee-man shall request to transport said stores.

In Council

Read & Accepted

In the House of Representatives

Read & Concurred. [*Passed October 17.*]

CHAPTER 443.

RESOLVE PROVIDING THAT ONLY ABLE-BODIED MEN SHOULD BE MUSTERED INTO SERVICE.

Legislative
Records of the
Council,
xxxviii., 122.
Mass.
Archives,
ccxv., 448.

Mass.
Archives,
ccxv., 449, 450.

THE COMMITTEE of Both Houses appointed to consider a representation Relative to Colonel Michael Jackson's having Five of his sons in his Battalion, raised by this State as Part of the Continental Army, and to enquire by what means they were mustered, after being refused by one Muster Master — Begg leave to Report by way of Resolve

JOHN TAYLOR P^r order

Resolved, that the Hon'ble Council be and they are hereby Desired to give Positive Orders to all the Muster Masters not to Muster any Person as a Soldier in the Continental Army unless he shall appear to him fully able to do the duty of a Soldier.

In the House of Representatives

Read & pass'd

In Council

Read & Concurred. [*Passed October 18.*¹]

CHAPTER 444.

RESOLVE VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS OF THE GENERAL COURT.

Legislative
Records of the
Council,
xxxviii., 123.
Mass.
Archives,
ccxv., 431.

WHEREAS it may be of public Utility that until the next sitting of the General Court certain powers should be vested in the Council other than those with which they are ordinarily Cloathed, therefore

¹ This date is October 17 according to Legislative Records of the Council.

Resolved that the Honble Council until the next sitting of the General Court be & hereby are fully Authorized & impowered to Nominate & appoint, as occasion may require, such commission Officers in any of the Land forces armed Vessels or Vessels of War in the Service & pay of this State and also in the Militia, whose places by death or otherwise are vacant, as to them shall appear necessary & put them under the Command of such Officer or Officers as they shall judge proper

Mass.
Archives,
ccxv., 411.
Legislative
Records of the
Council,
xxxviii., 116.

And it is

Resolved that the Council be & they are hereby also impowered & Authorized to treat with any Indians that may Arrive in this State & make such provision for them as they may judge proper

And it is

Resolved that the Major part of the Council shall have full power & Authority to examine allow & pass upon the pay-rolls of the Sea Coast Men & their Commissarys Accounts & also of the pay-rolls of the Militia who have been in service, any act or Resolve to the contrary notwithstanding.

Also

Resolved that until the next sitting of the General Court, any seven of the Council be & hereby are impowered to Issue & Sign any Warrants & such Warrants & any other thing Transacted by seven of said Council be & hereby is declared to all intents & purposes as valid as if the same had been Signed or Transacted by fifteen of said Council

And it is further

Resolved that untill the next sitting of the General Court, the Council be and hereby are Impowered, if they shall judge it necessary, to retain the Officers & men belonging to the militia that are engaged in the Expedition to Rhode Island or that have marched to reinforce the Army in the Northern Department upon such Terms & for such a Term of Time as they shall think the safety of this & the other United States requires, and in Case the Officers & men cannot be prevailed with, upon such Terms as the Council shall Offer, to stay beyond the time for Which they have Engaged to tarry, that in Such Case, the Council be and hereby are Impowered to draft such a Number of men from the militia and for such a Term of time as they shall think the Public Safety requires & offer them such Encouragement as they shall think reasonable.

Also

Resolved that the Honble Council be and they hereby are impower'd to convene the Great & General Court or Assembly at any earlier Day than that to which it shall next be Adjourned or prorogued if they shall judge the Public Service requires it. [*Passed October 18.*¹

CHAPTER 445.

RESOLVE DISCHARGING THE COMMITTEE ON ACCOUNTS OF £18,607. 11. 5.

Resolved that the Committee of Council Chosen to receive, examine and pay Accounts for Services done in Consequence of orders from the late Provincial Congress or General Court, Viz' Jabez Fisher Benjamin White and Daniel Davis Esq' be and hereby are discharged of the Sum of Eighteen thousand Six hundred and Seven pounds Eleven shillings & 5^d, monies they have received of the Treasurer by Warrant from Council to the 27 may

Legislative
Records of the
Council,
xxxviii., 125.
Mass.
Archives,
ccxv., 447.

Mass.
Archives,
clxxiv., 290;
ccxv., 446.

¹ This date is October 17 according to Legislative Records of the Council.

last, and that said Committee, be held still to account for the Sum of Seven pound Twelve shillings & 3¼, a balance remaining in their hand the 27 may last. [*Passed October 18.*¹]

CHAPTER 446.

RESOLVE ON THE PETITION OF CHARLES PERRIN, A PRISONER IN CONCORD GOAL.

Legislative
Records of the
Council,
xxxviii., 125.
Mass.
Archives,
cliv., 189, 190.

Mass.
Archives,
cliv., 191.

THE COMMITTEE of both Houses on the Petition of Charles Perrin beg leave to report the following Resolve

JOHN TAYLOR Pr order

Resolved that all such Persons as are now Confined in the several Goals in this State by General Warrants from the Honble Council be sent to the several Counties to which they belong & by the Sheriff of the County where they are respectively Confined and be brought to Tryal at the next Superior Court which may set in the Said Counties, and that the Honble Judges of the Superior Court be directed by the Council to proceed to the Tryal of the said Prisoners and all others apprehended in like manner and since admitted to Bail for the Several offences they may be Charged with

And that some proper person or persons in each County be chosen by Joint ballot of both Houses whose Business it shall be to make strict Enquiry for & Collect such Evidences as may be necessary before the Tryal of such persons so Committed as afore-said all others apprehended in like manner and since admitted to Bail, & lay the same before the Attorney, who is or may be appointed by this Court as State Attorney and lay their acc^{ts} for their Service before this Court for Allowance

And Whereas it appears to this Court of great Consequence that one Samuel Hall who is now Confined in the Goal at Falmouth in the County of Cumberland should be removed from said Goal to the Goal in Boston &

therefore

Ordered that the Sheriff of the County of Cumberland be and he Hereby is directed forthwith to Convey the said Samuel Hall from the said Goal in Falmouth and Commit him to the Common Goal in Boston and that this order be forwarded to said Sheriff by Express or otherwise as soon as possible.

Also that the keepers of the Prisons in the Several Counties in this State be and hereby are Directed forthwith to make a return to the Honble Council of the names of all the prisoners Committed by them to their Custody with the names of the Towns to which they belong

And that the Treasurer of this State be Directed to lay before the Honble Council a List of the above persons who have been admitted to Bail and the Towns they belong to.

In Council

Read & Accepted

In the House of Representatives

Read & concurred. [*Passed October 18.*¹]

¹ This date is October 17 according to Legislative Records of the Council.

CHAPTER 447.

RESOLVE ALLOWING HALF PAY TO STEPHEN JENNINGS.

ON THE REPRESENTATION of John Lucas Commisary of Continental Pansioners in behalf of Stephen Jennings Late a Bombardier in Col^o Hen^y Knoxs Rigm^t Cap^t Tho^s Peirces Comp^y & who Lost one of his hands and one Eye near Dorchester Hights

Resolved that the said Stephen Jennings is Intitled to half Pay to Commence from the 31st Day of December 1776. [*Passed October 18.*]

Legislative
Records of the
Council,
xxxviii., 127.
Mass.
Archives,
ccxv., 436.

Mass.
Archives,
ccxv., 437-438¹.

CHAPTER 448.

RESOLVE DIRECTING DELINQUENT CONSTABLES AND COLLECTORS OF TAXES TO PERFECT THEIR COLLECTIONS.

WHEREAS many Constables & Collectors of Town County and Parish Taxes, levied on Towns, Counties & Parishes respectively previous to the Declaration of Independency, have not perfected their Collections, being in doubt whether by the Warrants delivered them before that Period they have sufficient Power for the same

Wherefore

Resolved that all such delinquent Constables and Collectors of Town, County and Parish Taxes be and they hereby are directed to perfect their Collections on such Warrants respectively, and that said Warrants are and ought to be considerd in full Force the Declaration of Independence notwithstanding. [*Passed October 18.*]

Legislative
Records of the
Council,
xxxviii., 127.
Mass.
Archives,
ccxv., 445.

CHAPTER 449.

RESOLVE ON THE PETITION OF THE SELECTMEN OF LEOMINSTER.

ON THE PETITION of the Select men of the Town of Leominster Praying that the Assesment or Rate Bill which was apportioned by the Last years Assessors Some Time in February Last and by them Committed to John Carter to Collect, be by the Present Assessors Transfared to Thomas Stearns Collector for the North-erly Part of Said Town with their warrant to inable Said Stearns to Collect the Same

Legislative
Records of the
Council,
xxxviii., 128.
Mass.
Archives,
ccxv., 434.

Mass.
Archives,
ccxv., 435.

Resolved that the Prayer be granted and that the Assessors of the Town of Leominster for the Time being be Impowered and derected to Transfare the Assesment or Rate Bill which was apportioned by the last years Assessors Some time in February last and by them Committed to John Carter to Collect, unto Thomas Stearns the present Collector for the Northerly part of Said Town with their warrant to inable said Stearns to Collect the Same & the Rate Bill and warrant So Transfared and granted Shall be as good and Valied in the Law to all Intents and purposes as though it had bin Assessed and apportioned by the Present Assessors any Law Usage or Custom to the Contarary notwithstanding. [*Passed October 18.*]

CHAPTER 450.

RESOLVE PROVIDING THAT NAVAL OFFICERS SHALL REMAIN IN OFFICE UNTIL OTHERS ARE CHOSEN.

Legislative
Records of the
Council,
xxxviii., 128.
Mass.
Archives,
ccxv., 433.

WHEREAS this Court on the twenty second Day of November last Resolved that the Naval Officers for the several Ports in this State should hold their Offices only for the Term of one Year and Whereas the Time for which the said Naval Officers were chosen will expire in november next and it is not probable this Court will be then sitting and their choice cannot therefore be then renewed

Resolved that the said Naval Officers be & hereby are severally impowered to hold & execute their Offices until they shall be rechosen by this Court or until others shall be chosen in their stead. [*Passed October 18.*]

CHAPTER 451.

RESOLVE ON THE PETITION OF MUNGO MACKAY AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 129.
Mass.
Archives,
ccxv., 440.

Mass.
Archives,
ccxiv., 316;
ccxv., 439, 442-
444. Legislative
Records of the
Council,
xxxviii., 84.

THE COMMITTEE of Both Houses appointed to Consider the within Petition [Mungo Mackay and others] have attended that Service & they beg leave to report that the Prayer thereof be so far granted as that the Treasurer be Impowered & directed to put in suit all such Bonds as were given for security of the Performance of the Agreement mentioned in y^e said Petition, the Conditions of which are supposed by the Said Petitioners to be Violated & Broken. All which is submitted

THOMAS CUSHING p order

In Council

Read and Accepted and thereupon

Resolved that the Treasurer be and hereby is Impowered and directed to put in suit all such Bonds as were given to him by the owners of certain Privateers which joined the Continental Fleet, which lately sailed from this Port under the Command of Cap' John Manly, for the Security of the Performance of the agreement subsisting between a Committee of this Court and the owners of the Privateers aforesaid & referred to in said Petition, the Conditions of which are Supposed by the Petitioners to be violated and Broken, and he is hereby ordered to lend all due Aid and assistance to the said Petitioners in bringing such Suits to final Judgement and Execution, who are to Carry on the Same at their own Proper Expence and without any charge to the State.

In the House of Representatives

Read & concurr'd. [*Passed October 18.*]

CHAPTER 452.

RESOLVE ON THE PETITION OF JACOB STILES.

Legislative
Records of the
Council,
xxxviii., 130.

ON THE PETITION of Jacob Stiles, Praying for a Commission in the Army or Pay for his Services in Enlisting Men.

Resolved That there be allowed and paid out of the Public Treasury the Sum of Eight Pounds, fourteen Shillings, to the said Stiles, in full for his Services in Inlisting Twenty nine Men for the Continental Army. [*Passed October 18.*]

CHAPTER 453.

RESOLVE LIBERATING THOMAS EDWARDS FROM CONFINEMENT.

ON THE PETITION of Thomas Edwards a prisoner in the Common Goal in the Town of Boston, Committed by Order of a Court of Inquiry, appointed to inquire into the Conduct of Persons Suspected to be inimical to this and the United States of America

Legislative
Records of the
Council,
xxxviii., 130.
Mass.
Archives,
cliv., 192.

Resolved that the Petitioner be liberated from his present confinement by his giving bond to the Treasurer of this State for the Sum of five hundred pounds with two Sureties in the Sum of Two hundred & fifty pounds Each that he the Said Edwards will not do or Say any thing to the Injury of this or any of the United States. [*Passed October 18.*]

Mass.
Archives,
cliv., 193.

CHAPTER 454.

RESOLVE ON THE PETITION OF FREELove SCOTT.

ON THE PETITION of Freelope Scot praying that the Committee of Sequestration might be directed to make some Allowance to her from the Goods in their hands lately belonging to her Husband Joseph Scot an absentee

Legislative
Records of the
Council,
xxxviii., 130.
Mass.
Archives,
clxxxiii., 243.

Resolved that the Committee of Sequestration be & they hereby are directed to deliver to the s^d Freelope Scot one third part of the goods & other personal Estate in their Hands lately belonging to her Husband Joseph Scot; taking two Receipts for the same one of which to be lodged in the Secretary's Office deducting the Sum of One hund^d & fifty pds already p^d her by s^d Committee

Mass.
Archives,
clxxxiii., 241,
242.

And it is further

Resolved that the Committee of Sequestration be & they hereby are empower'd to settle in the like manner with any other of the s^d Absentees Wives remaining in this State & who have not quitted it to join the Enemies of the United States of America. [*Passed October 18.*]

CHAPTER 455.

RESOLVE AUTHORIZING THE USE OF THE BRIGANTINE FAVORITE AS A CARTEL.

WHEREAS a Commodious Vessel is Immediately wanted to send to New York as a Cartel with a Number of Prisoners, in order to Redeem our Brethren who have been long in Captivity there And whereas the Brigantine Favorite belonging to this State, now in this Harbor, is every way suitable for the purpose aforesaid, and may be Soon Equipt & ready for Sailing

Legislative
Records of the
Council,
xxxviii., 131.
Mass.
Archives,
ccxv., 452.

therefore

Resolved that the Board of Warr be & they are hereby directed to Deliver the said Brig^e Favorite to the Commissary of Prisoners for a Cartel as aforesaid, the said Commissary being accountable to the Board of War for the Hire of her. [*Passed October 20.*]

CHAPTER 456.

RESOLVE GRANTING £38.17 TO DAVID JEFFRIES, ESQ.

Legislative
Records of the
Council,
xxxviii., 131.

ON THE ACCOUNT of David Jeffries, Esq^r

Resolved That there be paid out of the Public Treasury to David Jeffries Thirty Eight Pounds, Seventeen Shillings, in full of what is due to him on Balance and Commissions for paying Marshall's, Whitney's and Craft's Regiments. [*Passed October 20.*]

CHAPTER 457.

RESOLVE IMPOWERING MARY LORING, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 132.
Mass.
Archives,
ccxv., 453.

ON THE PETITION of Mary Loring of Boston in the County of Suffolk, Widow, Administratrix of the Estate of her late Husband Israel Loring, Hatter deceased intestate, Setting forth in Said petition that Said deceased's Estate was not Sufficient to pay the debts due & owing from Said Estate, & that Since the distribution of Said Estate to & Amongst the Creditors, According to the order of the Judge of Probate, there remains a Small Wood lot in the Town of Hingham & a Small piece of Cedar Swamp in the Town of Abington, & prays that She may be enabled to Sell the Same for the benefit of Said Creditors

Mass.
Archives,
ccxv., 454.

Resolved that the Above named Mary Loring be & She is hereby impowered to make Sale of the two above mentioned Lots of land for the most the Same will fetch & make & execute a good deed or deeds thereof, & give proper Security to the Judge of Probate for the County Aforesaid, that the neat proceeds Arising by Said Sale or Sales after deducting her Dower Shall be distributed to & amongst the Several Creditors of Said Estate in proportion to their Several claims, as Settled by the Commissioners on Said Estate, She the Said Mary Loring observing the Rules & directions of the Law for the Sale of Real Estates, by Executors & Administrators under the like Circumstances. [*Passed October 20.*]

CHAPTER 458.

RESOLVE DIRECTING THE BOARD OF WAR AND COMMITTEE OF SEQUESTRATION TO PAY INTO THE TREASURY ALL MONIES RECEIVED BY THEM.

Legislative
Records of the
Council,
xxxviii., 133.
Mass.
Archives,
ccxv., 457, 458.

Resolved that the Board of War be and they are hereby directed to pay as soon as may be all monies now in their hands or which they may receive for such Goods and Articles already Sold into the Public Treasury, and that they take two receipts for any Sum they may Pay into the Treasury as above directed, and that they lodge One of said receipts in the Secretarys Office Also

Resolved that the Committee of Sequestration and the Agents for the Middle district be and they are hereby directed to pay into the Public Treasury immediately all money's they may have in their hands in Consequence of their respective Trusts; and also that they pay into said Treasury any further Sums of Money which either of the[m] may receive in executing the Business as-

signed them by this Court as soon after they shall have received the sam[e] as Possible and that they take two receipts for any Sum by them respectively so paid, one of which receipts to be lodged in the Secretary's Office as above. [*Passed October 20.*]

CHAPTER 459.

RESOLVE ON THE PETITION OF MATTHEW SLEIGHT.

THE COMMITTEE of Both Houses on the Petition of Mathew Sleight Master of the Sloop Union Flag of Truce lately arrived at Nantucket are of Opinion that the Vessell shou'd be permitted to proceed to New York & beg Leave to report the following Resolve

Resolved that Matthew Sleight Master of the Sloop Union, a Flag of Truce from New York be permitted to proceed for New-York taking with him M^r Geyer her four Children & two Servants, William & Patty also the Bedding of M^r Geyer & her Servants which was brought in the Flag from New York and nothing else, provided M^r Duncan Ingraham & M^r Benjamin Clark give their Bond jointly to Henry Gardner Esq^r Treasurer of this State in the Sum of Five hundred pounds that in Case said Sloop Union which is now libell'd in the maritime Court of the Southern District of this State shou'd be determin'd to be forfeited to the Captors that they shall be answerable for the Above Amount which is supposed to be the Value of the Vessell.

In Council

Read & Accepted

In the House of Representatives

Read and Concurr'd. [*Passed October 20.*]

Legislative
Records of the
Council,
xxxviii., 134.
Mass.
Archives,
ccxv., 459.

CHAPTER 460.

RESOLVE DIRECTING THAT MALES OF SIXTEEN YEARS AND UPWARDS WHO HAD LEFT BOSTON OR OTHER SEAPORTS BE ENROLLED IN THE MILITIA.

ON THE PETITION of the Selectmen of the Town of Medford.

Whereas Doubts have arisen in what Instances the Inhabitants of Boston & other Seaports who have removed into y^e Country are liable to be called upon for Assistance in procuring men for this States proportion of y^e Continentall Army.

Legislative
Records of the
Council,
xxxviii., 134.
Mass.
Archives,
ccxv., 460.

Resolved that the Commission'd Officers in y^e militia through this State keep a fair list of all the male Inhabitants in their respective Towns of Sixteen Years old & upwards who removed from Boston Charlestown or any other Seaport by Reason of the present War, & after excepting such as are supported by the State also those who in the Judgement of the Commissiond Officers Selectmen & Committees of Correspondence in the same Town are neither able to contribute towards hiring others or to do the Duty of Soldiers themselves, that they enroll the Remainder with y^e militia of said Town & require them to furnish their Proportion of a Seventh part of said Towns militia to be inlisted into the Continentall Service for three Years or during the Warr & in Case of Refusall or Neglect proceed in manner as is directed by a Resolve of this Court of the 30th April last. [*Passed October 20.*]

CHAPTER 461.

RESOLVE DIRECTING THAT A LETTER BE SENT TO THE PRESIDENT OF THE COUNCIL OF NEW HAMPSHIRE.

Legislative
Records of the
Council,
xxxviii., 133.
Mass.
Archives,
ccxv., 456.

Resolved that the honourable President of the Council be and he is hereby desired to inform the Hon President of the Council of the State of New-Hampshire by letter of the sum agreed to be assessed on the Inhabitants of this State the present year, that he inclose in his Letter a Copy of the Bill for calling in and sinking the Money emitted by this State, & that he inform him of any other Steps Which have been taken by this Court to carry into execution the plan agreed on by the Several committees who lately met at Springfield. [*Passed October 20.*]

CHAPTER 462.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO DELIVER SEQUESTERED GOODS TO THE BOARD OF WAR.

Legislative
Records of the
Council,
xxxviii., 110.
Mass.
Archives,
ccxv., 465^a-467.

Mass.
Archives,
ccxv., 202, 203,
464.

Resolved that the Committee of Sequestration, be and they are hereby directed to deliver to the Board of War at a value appraised by y^e Com^{tee} herein after mentioned such articles of the Sequestered goods they may have under their care as may be wanted for the use & defence of this State, the said Board to be accountable for the same to the General Court. And the Committee of Sequestration are hereby impowered and directed as soon as may be, any order of this Court to the contrary notwithstanding, to dispose of the residue of the goods they have in their possession under their care, first laying them out in Lotts that will not exceed in each Lott the Sum of thirty pounds excepting such single Articles as amount to a larger Sum specifying to whose Estate such goods belonged; and having them appraised on Oath by W^m Bant, Harbottle Dor, Samuel Ruggles Bartholomew Kneeland and Duncan Ingraham jun^r who are hereby appointed a Committee for that purpose excepting such Household furniture & other articles as may have been lent to particular persons, or have been otherwise disposed of by order of Court. And no one Person nor any for by or under him shall be suffered to purchase more than one Lott. and the s^d Committee of Sequestration are hereby directed to pay the Money they may receive for said goods into the hands of the Treasurer of this State, taking two receipts of y^e same Tenor & date, one of w^{ch} shall by them be lodged in the Secretaries Office. And the said Committee shall be allowed twelve Shillings p^r Day for the Time they may spend in disposing of Said Goods.

Resolved that the Selectmen & Committees of Correspondence & of the several Towns in this State who have under their care any Estate real or Personal that belong to such Persons as are Absentees and went off with the British Troops & joyned themselves to our Enemies, and have lett the same out to hire or leased them out for any term of time be it longer or shorter & have received rent for the same, be & they hereby are directed forthwith to settle with & pay to Oliver Wendell Esq^r Cap^t Ebenezer Wales and David Jeffries Esq^r who are a Committee appointed for that purpose, such Monies as they may have received for the rents aforesaid and the said Committee are hereby directed to receive

the same and pay it into the hands of the Treasurer of this State taking two receipts therefor of the same tenor & date, One of which to be lodged in the Secretaries Office. [*Passed October 21.*¹

CHAPTER 463.

RESOLVE ON THE PETITION OF TRYPHENA WITHERELL.

ON THE PETITION of Tryphene Witherell of Wrentham in the County of Suffolk Praying that a Judgment of Court obtained by one Abijah Holbrook against her Husband Abel Witherell now in the Continental army May be Set aside for Reasons mentioned in said Petition

Legislative
Records of the
Council,
xxxviii., 123.
Mass.
Archives,
cexvi., 154, 155.

Resolved that the Prayer of the Petition be so far Granted that the Petitioner serve the said Abijah Holbrook with an attested Copy of her Petition and this order thereon that he may Shew cause if any he has on the Second Tuesday of the Next Sitting of the General Court why the prayer thereof Should not be granted, and in the mean time that all further proceeding on said action and the Execution Issuing thereon be Stayed and that the Cow Swine and Spoons taken by said Execution or the value thereof be Restored by the said Abijah Holbrook immediately to the Petitioner, and if the said Holbrook neglect or refuse to comply with the Same Lemuel Kollock of said Wrentham In behalf of the Petitioner is hereby impowered to prosecute the said Abijah Holbrook for the Same to final Judgment and Execution. [*Passed October 21.*²

Mass.
Archives,
cexvi., 153, 156.

CHAPTER 464.

RESOLVE ON THE PETITION OF ELEAZAR GOODWIN.

ON THE PETITION of Eleazar Goodwin, a Marine on board the Brigantine Independence Commanded by Captain Simeon Samson, and was taken by the Enemies of the United States and carried into Halifax in Nova-Scotia, from whence he made his escape and was made up on said Samson's Roll two Months and one Quarter short which amounts to five Pounds Eight Shillings. Therefore

Legislative
Records of the
Council,
xxxviii., 136.

Resolved That there be allowed and paid out of the Public Treasury of this State the Sum of five Pounds Eight Shillings as Wages, and also a further Sum of five pounds as an Allowance for his Sufferings and Expences in his Escape. [*Passed October 21.*

CHAPTER 465.

RESOLVE ON THE PETITION OF HENRY GOODWIN.

ON THE PETITION of Henry Goodwin Clerk to Captain Simeon Samson on board the Brigantine Independence, the property of the State of Massachusetts-Bay, and was taken Captive by the Enemies of the United States and carried into Halifax in Nova-Scotia from whence he made his escape with much Danger and expence,

Legislative
Records of the
Council,
xxxviii., 136.

¹ This date is October 13 according to Legislative Records of the Council.

² This date is October 17 according to Legislative Records of the Council.

and was made up in said Samson's Muster-Roll Twenty five pounds, One Shilling and four pence short. Therefore

Resolved, That there be allowed and paid unto the said Henry Goodwin, out of the Public Treasury of this State said Sum of Twenty five pounds, One Shilling and four pence, And also the further Sum of five Pounds for his Sufferings and Expences in his escape. [*Passed October 21.*]

CHAPTER 466.

RESOLVE FOR REGULATING FLAGS OF TRUCE.

Legislative
Records of the
Council,
xxxviii., 137.
Mass.
Archives,
ccxv., 461.

WHEREAS it is of dangerous Tendency that Flags of Truce coming to this State for the Exchange of Prisoners should be allowed to make a Harbour at any Out Ports & there discharge & take Prisoners or other Persons without y^e notice of the Commissary appointed for that Purpose It is therefore

Resolved That all Vessells coming to this State from the Enemy as Flags of Truce for the Exchange of Prisoners shall proceed directly for the Port of Boston & make Report to the Commissary of Prisoners there, unless by Distress of Weather they are obliged to make a Harbour at some other Port in which Case the Master of said Vessell shall immediately make Report to the Authority of that place & permit no Person to quit y^e Vessell nor Baggage or other Goods to be unladed from her, but shall proceed as soon as Wind & Weather permit for Boston And All Flags of Truce for the above Purpose that shall sail, after the Commissarys of Prisoners at New York Hallifax or other places in the Possession of the Enemy shall have been duely served with a Copy of this Regulation & shall go into any Out Ports or Harbours of this State (unless by Distress of Weather as aforesaid) or shall otherwise act contrary to this Resolve, in such Case the Attorney General of this State shall Libell said Vessell in the maritime Court of the middle District of this State and on Proof being made that y^e master of said Vessell has knowingly contravened the Intention of this Resolve she shall be adjudged to be forfeited to the Use of the State And the Commissary of Prisoners of this State is hereby directed to forward attested Cops of this Resolve to the Commissarys of Prisoners at New York Halifax & other Places by the first Flags that may sail from hence. [*Passed October 21.*]

CHAPTER 467.

RESOLVE IMPOWERING THE COUNCIL TO APPOINT PERSONS TO COLLECT EVIDENCE IN CERTAIN CASES.

Legislative
Records of the
Council,
xxxviii., 138.
Mass.
Archives,
ccxv., 463.

WHEREAS in and by a Resolve of this Court making Provision for bringing to tryal all such Persons as are now confined in the Several Goals in this State by General Warrants from the Honble Council, it is ordered that some proper Person or Persons in each County be Chosen by joynt Ballot of Both Houses to make enquiry & collect evidences relating to such persons so confined or of others who have been apprehended & since admitted to Bail &c And it appearing more convenient, that such Person or Persons in each County should be appointed by the Council only, it is therefore

Resolved that the Honble Council be & they are hereby im-

powered to appoint in each County some Person or Persons to execute the Business for which they are to be appointed, agreeably to the before-cited Resolve any thing in said Resolve for their being otherwise appointed notwithstanding. [*Passed October 21.*]

CHAPTER 468.

RESOLVE DIRECTING THOMAS CRANE TO PROSECUTE THOMAS HARLING FOR BREACH OF CONTRACT.

WHEREAS it has been Represented to this Court by Tho^s Crane Esq, one of the Committee appointed to Build a Powder-Mill for the Use of this State, that one Thomas Harling contracted with Said Committee to build & Compleat a Powder-mill for the purpose aforesaid, and that Said Harling hath not, fulfilled the Contract on his part, and Still Neglects and Refuseth to Comply with it, to the Great Dammage of the Public. Therefore

Legislative
Records of the
Council,
xxxviii., 139.
Mass.
Archives,
ccxv., 469.

Resolved, that Said Thomas Crane Esq^r be, & he is, hereby directed to prosecute Said Thomas Harling, in the Next Inferior Court of Common Pleas to be Holden in and for the County of Suffolk, & to final Judgment & Execution, for a Breach of his Contract Provided Said Harling doth not Immediately Compleat Said Powder-Mill, agreeable to Said Contract and the Committee are hereby Impowered to make such further allowance to the s^d Harling or his workmen in Case he Compleats his Contract as they shall think reasonable. [*Passed October 21.*]

CHAPTER 469.

RESOLVE FOR PAYMENT OF WILLIAM BAKER, MESSENGER TO THE GENERAL COURT.

ON THE PETITION of William Baker, Praying for an Allowance for his Extra-Services as the Messenger of this Court.

Resolved, that there be allowed and paid out of the Public Treasury to the said William Baker for his Services the present year Two hundred Pounds And that he receive the said Sum in Quarterly Payments. [*Passed October 22.*]

Legislative
Records of the
Council,
xxxviii., 140.

CHAPTER 470.

RESOLVE IMPOWERING THE EAST PRECINCT IN POWNALBOROUGH TO CHOOSE A COLLECTOR OF TAXES.

Resolved, That the East precinct in the Town of Pownalborough, be and hereby is impowered to Call a Meeting of The freeholders and other Inhabitants of s^d precinct, [(Qualified by Law to Vote in Town affairs) to Choose a Collector in the Stead of Roger Smith who was Chosen by s^d precinct in March AD 1775 One of the Collectors of s^d Precinct and who afterwards Refused to Serve, hereby fully empowering Such Collector who Shall be Chosen at S^d Meeting in Stead of S^d Smith, to Collect all Such Taxes as remain uncollected by Reason of the S^d Smith's Refusing to Serve; And to do all Other Matters which A Collector Chosen at the Anual Meeting in the Month of March Might legally do. [*Passed October 22.*]

Legislative
Records of the
Council,
xxxviii., 140.
Mass.
Archives,
ccxv., 470.

CHAPTER 471.

RESOLVE ON THE PETITION OF JOSEPH WEBB.

Legislative
Records of the
Council,
xxxviii., 141.

ON THE PETITION of Joseph Webb, Praying allowance for Canon taken into the use of the State.

Resolved That there be paid out of the Treasury of this State to Joseph Webb, the Sum of fifty eight pounds and four pence, in full Satisfaction for five Double fortified Nine pound Canon and four Canon four Pounders, which said Webb sent out of Boston for the use of this State and which were employ'd during the Siege of Boston. [*Passed October 22.*]

CHAPTER 472.

RESOLVE IMPOWERING THE COUNCIL TO TRANSMIT TWO MONTHS' PAY TO IMPRISONED OFFICERS.

Legislative
Records of the
Council,
xxxviii., 142.
Mass.
Archives,
ccxv., 474.

WHEREAS it is necessary, that the officers belonging to this State, who are now, or may be hereafter, prisoners with the enemy, should be supplied with hard money; it is therefore

Resolved that the Board of War be, & they hereby are, empowered & directed to furnish, in the best manner they can, the Treasury of this State with two hundred pounds in hard money.

And it is further

Mass.
Archives,
cxlii., 112.

Resolved that the Council be, & they hereby are, empowered & requested to transmit, as soon as possible, by express or other-ways, to each & every officer in the land service, belonging to this State & now prisoners either at New York or Long Island, two months pay agreeable to the Continental establishment for 1776. in hard money; and afterwards, from time to time as often as it shall become due & the Council think proper, one month's pay in sum & quality as afores^d to each & every officer as afores^d who shall be then prisoners at the afores^d places; & acquaint Gen^l Washington therewith, to the end that the said money may be deducted from their several rolls, when they shall be presented for payment; & the treasurer is hereby directed to charge all such warrants to the Continental accounts. [*Passed October 22.*]

CHAPTER 473.

RESOLVE PROVIDING FOR THE CELEBRATION OF THE SURRENDER OF GENERAL BURGOYNE.

Legislative
Records of the
Council,
xxxviii., 142.
Mass.
Archives,
ccxv., 472.

THE COMMITTEE of both Houses appointed to Consider Some suitable manner of Celebrating the Important & Compleat Conquest of the American Army over the British Forces in the Northern department beg leave to report by way of Resolve

BENJ^A AUSTIN p order

Mass.
Archives,
ccxv., 471.
Legislative
Records of the
Council,
xxxviii., 141.

Whereas we have received Authentick Intelligence of the defeat & surrender of Gener^l Burgoin & his Army to our Forces under the Command of Gen^l Gates, and whereas such an Important Event & remarkable appearance of Divine providence in favor of this and the United States calls for an imediate acknowledgment of Gratitude Praise and Thanksgiving: therefore

Resolved that the Rev^d Doct^r Cooper Chaplain to the Gen^l Court now setting, be & he is hereby desired to Attend the Court at the old Brick meeting House to morrow at 11 o'Clock A.M: to acknowledge the Divine Goodness & to offer by Prayer a tribute of Praise & Thanksgiving to Him who Governs the Universe, & whose is the Glory & the Victory. And that the Reverend Doctor Chauncy be also desired to preach a Sermon Suitable to the Occasion that the com^{and}^s officers at each of the Fortresses at Castle Island & Fort Hill be and hereby are directed to Fire Each thirteen Cannon at one o'Clock.

In Council

Read and Accepted and

Ordered that Benj^a Austin Esq^r with such as the Hon'ble House shall appoint be a Committee to wait upon the Rev^d Doct^r Chauncy & Cooper for the Purposes mentioned in the above Resolve.

In the House of Representatives

Read and Concurred & M^r Niles & M^r Jeffers are joined.
[*Passed October 22.*]

CHAPTER 474.

RESOLVE APPOINTING JOHN SWITCHER AN APPRAISER OF SEQUESTERED GOODS.

Legislative
Records of the
Council,
xxxviii., 143.
Mass.
Archives,
ccxv., 475.

Resolved that John Switcher be & he is hereby appointed one of the appraisers of the sequestered goods in the room of M^r William Bant excused. [*Passed October 22.*]

CHAPTER 475.

RESOLVE DIRECTING THAT SCHEDULES OF ABSENTEES' EFFECTS BE LODGED IN THE SECRETARY'S OFFICE.

Resolved that the Select Men and Committes of Corispondence Safty and Inspection in the Several Towns and Plantations in this State, be directed to lodge in the Secretarys Office, by the Second Tuesday of the Next Session of this Court, a particular Scedule of all Such articles they had or now have in their possession in their respective Towns or Plantations, which may have been left by persons, who did flee to our Enemies whilst in the Town of Boston, or have since fled to them for protection, particulariseing the goods belonging to Each person, and also an account of the Several articles of Either live stock or goods belonging to Such persons they have disposed of, and also an account of the Money ariseing from Such Sales. [*Passed October 22.*]

Legislative
Records of the
Council,
xxxviii., 143.
Mass.
Archives,
ccxv., 476.

CHAPTER 476.

RESOLVE ON THE PETITION OF PATIENCE ROGERS.

WHEARAS Patience Rogers in har Petition hath Sat forth the Situation of har Husband Clark Rogers who is Suspected to be Inimical to the States of Amarica

Legislative
Records of the
Council,
xxxviii., 144.
Mass.
Archives,
ccxv., 478.

Resolved that the Committee of Coresspondence &c of the Town of Hancock (If there be any Just & Suficent Reason for Com-

plaint) be and they are here by Directed to proceed With Said Clark Rogers by entering a Complaint to some Justice or Justices of the Peace for the County of Berkshire, who are here by Directed in that Case to grant a warrant to apprehend Said Rogers and to proceed With him as the Laws of this State direct. [*Passed October 22.*]

CHAPTER 477.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE THE RETURNS MADE BY COMMANDING OFFICERS OF THE MILITIA REGIMENTS.

Legislative
Records of the
Council,
xxxviii., 144.
Mass.
Archives,
ccxv., 479.

Resolved That M^r Sergeant, M^r Partridge & M^r Niles be a Committee to examine the Returns made by the Commanding officers of the several Regiments of Militia in this State, and report to the Council those officers who have either neglected to make any Returns, or who have made such as are Incomplete, and also a list of such towns as have not compleated their quota of the Continental Army, and of such men as have been returned in different towns, and the Hon^{ble} Council are hereby vested with all the Powers of this Court till the next meeting thereof, to use any measures which they shall judge expedient to obtain a full Compliance with the Resolve of this Court of the 15th of Aug^t last for this Purpose provided; and they are requested to pay particular Attention to this Object, and to require compleat Returns where such are wanting as soon as may be.

And the Hon^{ble} Council are also requested to use competent Measures to bring into Camp immediately any Soldiers that have enlisted into the Continental Army, or been drafted & have not yet joyned the same. [*Passed October 22.*]

CHAPTER 478.

RESOLVE ON THE PETITION OF ELIZABETH PARKER.

Legislative
Records of the
Council,
xxxviii., 145.

UPON THE PETITION of Elizabeth Parker from Machias, praying some relief for herself and three Children under her distressing Circumstances occasioned by the Enemy's plundering her Dwellings and burning a Grist-Mill, and also by being in very ill health.

Resolved That there be paid out of the Treasury of this State, the Sum of Twenty Pounds to Elizabeth Parker in order to relieve her and her Children under their unhappy Circumstances. [*Passed October 23.*]

CHAPTER 479.

RESOLVE AUTHORIZING OFFICERS OF CONTINENTAL REGIMENTS TO PUNISH DELINQUENT SOLDIERS.

Legislative
Records of the
Council,
xxxviii., 146.
Mass.
Archives,
ccxvi., 2.

WHEREAS it may be necessary for sometime to come to keep a Continental Army within this State for the safety of the same and it being necessary that said Army should be governed by the Rules and regulations Prescribed by the Continental Congress. And doubts may arise whether the Officers commanding said Army have aright to Inflict punishment on Offenders against said Rules & Regulations while within this State Therefore

Resolved that the Several Commanding Officers of the Conti-

mental Troops that now are or that may hereafter be within this State, be and they hereby are impowered and directed while within this State to inflict such punishment on all delinquents in the Corps aforesaid as they are Authorized to inflict on delinquents by the Continental Rules and regulations aforesaid; their being within the State of Massachusetts Bay notwithstanding untill the further order of this Court. [*Passed October 23.*]

CHAPTER 480.

RESOLVE ALLOWING £300 TO THOMAS CRANE FOR THE MANUFACTURE OF POWDER.

Resolved that there be paid out of the Public Treasury of this State to Thomas Crane Esq^r the Sum of Three hundred Pounds, in order to enable him to carry on the Manufacturing Powder at the State-Powder-Mill at Stoughton; He to be accountable to the General Court for the Same. [*Passed October 23.*]

Legislative
Records of the
Council,
xxxviii., 147.

CHAPTER 481.

RESOLVE DEFINING THE BOUNTY ON SALT.

WHEREAS Disputes have arisen & may arise whether y^e Bounty granted on salt by a Resolve of the fourth of July last was intended to extend to such Salt as has been or may be sold for more than the price which was by law established as the price of Salt manufactured in this State at the time of Granting s^d Bounty it is

Legislative
Records of the
Council,
xxxviii., 147.
Mass.
Archives,
ccxvi., 4.

Resolved

That s^d Bounty on salt granted by s^d Resolve of the fourth of July last was intended & shall be construed to extend only to such salt as is manufactured in this State and sold for Cash at the price established by Law at the Time of [passing]¹ s^d Resolve. [*Passed October 23.*]

CHAPTER 482.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF LINCOLN COUNTY.

WHEREAS it appears upon examination of the county Treasurer's Accounts for the county of Lincoln that all the Moneys granted and allow'd by the Court of General Sessions of the Peace for said county from Sep^r 1772 to June 1774, were for such purposes and appropriations as the Law empowered the said Court to grant and the Ballance due to the County is One hundred Sixty pounds four shillings & three pence Therefore

Legislative
Records of the
Council,
xxxviii., 148.
Mass.
Archives,
ccxvi., 3.

Resolved That the said Account be allowed. [*Passed October 23.*]

¹ Inserted from Legislative Records of the Council.

CHAPTER 483.

Legislative
Records of the
Council,
xxxviii., 148.
Mass.
Archives,
ccxvi., 5.

RESOLVE DIRECTING THE BOARD OF WAR TO SELL SALT TO
CHARLES PHELPS.

Resolved that the Board of War be & they hereby are directed to deliver to Charles Phelps Esq^r Two hundred bushels of Salt for the use of the Inhabitants of the towns of Brattleborou[gh] New Marlborough Fullam Guilford Townsend, and Cumberland, he paying for the Same the Curre[nt] Price. [*Passed October 23.*]

Mass.
Archives,
ccxv., 480;
ccxvi., 6-9.

CHAPTER 484.

Legislative
Records of the
Council,
xxxviii., 149.
Mass.
Archives,
ccxvi., 10.

RESOLVE DESIRING THE COUNCIL TO ISSUE A PROCLAMATION
FOR A DAY OF THANKSGIVING.

Resolved That the Hon^l Council be & they are hereby desired to issue a proclamation appointing the twentyeth Day of November next as a Day of publick Thanksgiving & prayer, & in such stile & manner as shall appear to them eligit & proper at a time when the Circumstances of this state & those of the United States are so peculiarly favourable as to demand very particular & devout asserptions of praise & adoration to the Supreme Being whose kind providence has distinguished us with Remarkable Instances of his favour. [*Passed October 24.*]

Mass.
Archives,
clxvii., 365.
Legislative
Records of the
Council,
xxxviii., 116.
Love's Fast
and Thanks-
giving Days of
New England,
p. 503.

CHAPTER 485.

RESOLVE DESIRING THE COUNCIL TO APPOINT A COMMANDER
FOR THE BRIGANTINE MASSACHUSETTS IN ROOM OF CAPT. JOHN
FISK, RESIGNED.

Legislative
Records of the
Council,
xxxviii., 150.
Mass.
Archives,
clxxxiii., 253a.

Resolved that the Honb^{ble} Council be and they are hereby desired to appoint another commander for the Brig^t Massachusetts in the Room of Capt Fisk resigned paying due observance to the Rank & standing of those already in the service of this State: And Capt Fisk has the thanks of this Court for his fidelity and approved conduct in his late command. [*Passed October 24.*]

Mass.
Archives,
clxxxiii., 258.

CHAPTER 486.

RESOLVE ON THE PETITION OF SAMUEL FOSTER SUSPENDED.

Resolved That the Resolve of this Court at y^e present session permitting Sam^l Foster to return home be suspended 'till the Hon^l Council shall have evidence that he may return consistent with y^e peace & safety of the Publick. [*Passed October 24.*]

Legislative
Records of the
Council,
xxxviii., 150.
Mass.
Archives,
ccxvi., 12.

Mass.
Archives,
ccxvi., 124.

CHAPTER 487.

RESOLVE PROVIDING FOR PAYMENT OF CAPT. SOLOMON WALKER,
CAPT. STEPHEN HODSDON AND OTHERS.

ON THE PETITION of Col^o William Jones, in behalf of Captain Solomon Walker and Captain Stephen Hodsdon, and Seventeen private Soldiers who were present and active in the Re-capture of the Mast-Ship Gruel, lately taken at Sheepscut Praying the same allowance as was made to others concerned in retaking said Vessel.

Resolved, That there be paid out of the Treasury of this State to Colonel William Jones Four pounds for the use of Captain Walker; Four pounds for the use of Captain Hodsdon and Two pounds for the use of each Man borne on their several Rolls being in Number Twenty three Men, the several Sums amounting in the whole to Fifty four pounds, in consideration of their Services in retaking and Securing the Mast-Ship Gruel. [*Passed October 24.*]

Legislative
Records of the
Council,
xxxviii., 151.

CHAPTER 488.

RESOLVE ON THE PETITION OF WILLIAM PERRY.

ON THE PETITION of William Perry praying leave to visit his Friends and Relations in England.

Resolved that this Petition be referred to the hon^l Council to act thereon as to them shall seem fit. [*Passed October 24.*]

Legislative
Records of the
Council,
xxxviii., 151.
Mass.
Archives,
clxxxiii., 256.

Mass.
Archives,
clxxxiii., 256,
257.

CHAPTER 489.

ORDER ON THE PETITION OF WILLIAM GARDNER.

ON THE PETITION of William Gardner of Gardnerston in the County of Lincoln Praying to be relieved from the Sentence of a Special Court of Sessions of the Peace, held at Pownalborough in the County aforesaid.

Ordered That the Honb^{le} Council Act thereon as to them may seem fit. [*Passed October 24.*]

Legislative
Records of the
Council,
xxxviii., 151.
Mass.
Archives,
ccxvi., 212.

Mass.
Archives,
cxlii., 113;
ccxvi., 188-214.

CHAPTER 490.

RESOLVE DIRECTING THE APPOINTMENT OF SAMUEL BENJAMIN
AS AN ENSIGN IN COL^o JACKSON'S REGIMENT.

Resolved That the Resolve of this Court of the fourth of October instant ordering pay and a Discharge to Ensign Benjamin be and it is hereby repealed and made void. and it is further

Resolved that the Comm^{ee} for Commissioning this States Quota of Officers of the Continental Army be & they are hereby ordered to Commission the s^d Benjamin an Ensign in Col^o Michael Jacksons Reg^t. [*Passed October 24.*]

Legislative
Records of the
Council,
xxxviii., 151.
Mass.
Archives,
ccxvi., 14.

CHAPTER 491.

RESOLVE DIRECTING THE COMMITTEES OF CORRESPONDENCE,
ETC., TO PAY TAXES LEVIED ON REFUGEES' ESTATES.

Legislative
Records of the
Council,
xxxviii., 152.
Mass.
Archives,
cexvi., 13.

WHEREAS it appears to this Court that the Estates of Refugees were taxed in Several Towns in this State where such Estates lay in the Year 1774 and 1775 & the Lists of such Assessments were delivered to the Collectors of s^d Towns.

And whereas in some Instances the Collectors Have Not been able to collect the same Notwithstanding that there are Effects in the Hands of the Comm^{tees} of the Towns where such Estate lies more than Sufficient for that Purpose Therefore

Resolved that the Comm^{tees} of Correspondence &c of the Several Towns in this State be & hereby are directed to pay The several Taxes Levied on the Estates of the s^d Refugees out of the Monies in their Hands arising from the Sale of the personal Estate of the s^d Refugees respectively or the Monies arising from the Rents of said Estates. [*Passed October 24.*]

CHAPTER 492.

RESOLVE ON THE PETITION OF THE SELECTMEN OF PLYMOUTH.

Legislative
Records of the
Council,
xxxviii., 149.
Mass.
Archives,
cexvi., 11.

THE COMMITTEE on the Petition of the selectmen of Plymouth Setting fourth several mistakes in the return made by them of the number of male Inhabitants from sixteen years old and upwards beg Leave to report the following resolve (Viz)

Resolved that the petition from the selectmen of Plymouth be Logged with the return of the male Inhabitants from S^d town and be Considered by the Committe appointed to examine the returns from the severil towns

In the House of Representatives

Read & Accepted

In Council

Read & Concurred. [*Passed October 24.*]

CHAPTER 493.

RESOLVE ON THE PETITION OF CLARK LINNEKEN.

Legislative
Records of the
Council,
xxxviii., 150.

ON THE PETITION of Clark Linneken.

Resolved that the said Petitioner serve William M^cCobb, Esq^r with a Copy of this Petition, and this Order thereon, that he may make answer in Writing if he thinks proper, at the next Meeting of this Court, why the Prayer of said Petition shall not be granted And in the mean time, said M^cCobb is hereby permitted, if he shall judge it expedient, to admit the said Petitioner to Bail on sufficient Sureties. [*Passed October 24.*]

CHAPTER 494.

RESOLVE ASSIGNING QUARTERS FOR THE BURGOWNE PRISONERS,
ETC.

Resolved that the 'Troops under Gen^l Burgoyne be quarter'd in the Barracks on Prospect & Winter Hills & such others as a Committee of both Houses hereafter to be appointed shall judge most safe, retired & easily guarded & that they obtain suitable Houses for the Gen^l Officers & proper Rooms for the other Officers of Rank the foreign Troops to be kept separte from the British as far as practicable; Both Officers & Soldiers to be prevented coming into the Town of Boston or on this Side Charlestown Neck & the Committee afores^d are directed to fix such Limits for the Restraint of [Officers]¹ & Soldiers as may secure the public from any ill Consequences so far as may be consistent with a strict Fulfillmt of the Convention.

Legislative
Records of the
Council,
xxxviii., 153.
Mass.
Archives,
ccxvi., 19.

Mass.
Archives,
ccxvi., 124.
Legislative
Records of the
Council,
xxxviii., 145.

That the Representatives of the Town of Boston be a Committee impowered to afford all such Assistance to Gen^l Heath in the procurement of Fuel by Insurance or otherwise as they shall judge will best favour the public Interest; that every Vessel coming from the Eastw^d for this purpose be furnished with a pass sign'd by Gen^l Heath certifying that the Wood in that Vessel is for the sole Use of the Army with Gen^l Burgoyne now Prisoners of War in the State of Massachusetts Bay & that if she is taken that Army must be the Sufferers.

And it is further

Resolved that no Inhabitant of the United States or any other Person whatever shall at any Time enter the Limits assigned for preventing their Communication with y^e Prisoners without a written License obtained for that Purpose from the Council or Gen^l Heath under Pain of military Discipline which Gen^l Heath is hereby impower'd & requested to inflict.

That the Comm^{ee} aforesaid be directed to appoint a proper Number of Persons of Capacity and approved Fidelity, to buy & deliver out to the prisoners the various sorts of Provisions bro't to Boston Market, the Produce of this State, that they shall Need over and above the Rations to be supplied by General Heath, in such quantities as will be needed for their Consumption while here, which shall be purchased with the Currency of the United States or some of them; to be drawn out of the Treasury by order of Council, & sold at the Prices given for them; and if the same is paid for in any part in Gold or Silver, the same shall be deposited in the public Treasury, to be drawn thence as the Court shall order; and the Persons appointed as above shall be under strict Bonds of such tenor as the Council shall order for a faithful discharge of their duty. Provided nevertheless that in Case the Committee directed to Appoint a Number of Persons to buy and deliver out to the Prisoners Provisions, should find that mode of Procedure does not answer the Purpose designed or should think it for the Interest of the Government to discontinue it that upon their Representing the Matter to the Council they (the Council) are hereby impowered to order the Same to be discontinued [and]¹ to make such other Regulations as they think necessary. That the Honb^l Council be Requested to order one Thousand men Including officers, & as many more as they shall find Necessary from such parts of the Militia of this State as they shall

¹ Inserted from Legislative Records of the Council.

judge Equitable, to serve as Guards & to be under the Command of Gen^l Heath And that John Taylor & Nathan Cushing Esq^r be a Committe with such as the Hon^l House shall Join to Cary this Resolve into Execution, and that they advise with Gen^l Heath touching the severall matters mentioned in the foregoing Resolve.

In Council

Read & Accepted

In the House of Representatives.

Read & Concurred & M^r Gray Coll Hutchinson & M^r Crane are joined on the part of the House. [*Passed October 25.*]

CHAPTER 495.

RESOLVE DIRECTING THE COM^{TEE} FOR SUPPLYING THE ARMY TO FORWARD STORES ACCORDING TO THEIR BEST JUDGMENT.

Legislative
Records of the
Council,
xxxviii., 154.
Mass.
Archives,
ccxvi., 18.

WHEREAS by a Resolve of this Court of the 17th of Octob^r Ins^t the Committee for Suplying The army ware ordered to send without delay all the Stores they then had on hand to the army and whareas the said Committee have represented to this Court that they have a Quantity of Stores at Northampton, which by the Late movement of the Northern army it will be Inconvenient to send forward, until it Can be Known whare they will be most wanted, it is Therefore

Resolved that the said Committee be & they hereby are directed to send forward the stores they have or may have on hand in such Manner as they shall Judge will Most Conduce to the Comfort of the army any thing in the Resolve of the 17th Ins^t to the Contrary notwithstanding. [*Passed October 25.*]

CHAPTER 496.

RESOLVE ON THE PETITION OF REUBEN STONE AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 155.
Mass.
Archives,
ccxvi., 16.

ON THE PETETION of Ruben Stone, Azubah Stone, and Jonathan Grout, Praying that the Said Azubah may Have Liberty to Exchange with Ruben Stone a Deed, for obligations against the Estate of Her Deseased Husban Sardias Stone, as Set forth In the Petetion.

Mass.
Archives,
ccxvi., 17.

Resolved that the Prayer of the Petetion be granted and that the Said Ruben Stone and Azubah Stone Have Liberty to Exchange the Deed, In the Hands of the Said Azubah, for the obligations In the Hands of the Said Ruben, against the Estate of the said Sardias, Deseased, by and with the Consent of the Said Jonathan Grout, Guardian to Jonathan Stone, only Heir of the Said Sardias Stone Deseased, and the Consent of the Judge of Probate for the County of Worcester. [*Passed October 25.*]

CHAPTER 497.

RESOLVE DEFINING A CONDITION OF THE BOND TO BE GIVEN BY
PERSONS APPOINTED TO DELIVER PROVISIONS TO THE BUR-
GOYNE PRISONERS.

Resolved that part of the Condition of the Bond to be given by the Persons to be appointed to deliver the Provisions to the Army under Gen^l Burgoyne be, that they shall account for and pay into the Treasury of this State on Oath (to be administer'd by some Justice of the peace) all the Money that shall be received in the Course of the Business that they shall be entrusted with, whether it be Paper or Solid Coin. [*Passed October 25.*]

Legislative
Records of the
Council,
xxxviii., 155.
Mass.
Archives,
ccxvi., 15.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SIXTH DAY OF NOVEMBER, A.D.
1777.

CHAPTER 498.

RESOLVE IMPOWERING THE BOARD OF WAR TO IMPORT SALT.

Legislative
Records of the
Council,
xxxviii., 162.
Mass.
Archives,
ccxvi., 23.

Resolved That the Board of War be and they are hereby im-
powered and directed to Use their utmost endeavours through the
Course of the Winter Season to import from Europe and the West
Indies, into this State as much Salt as can be by them obtained,
not exceeding One Hundred Thousand Bushels. [*Passed Novem-
ber 27.*]

CHAPTER 499.

RESOLVE DIRECTING THE COUNCIL TO PRINT AND DISTRIBUTE
THE RESOLVE OF CONGRESS ESTABLISHING A DAY OF THANKS-
GIVING.

Legislative
Records of the
Council,
xxxviii., 162.
Mass.
Archives,
ccxvi., 24.

Resolved that the Honble Council of this State be & they are
hereby desired immediately to cause the Resolve of Congress rec-
ommending the setting apart Thursday the 18th Day of Decem-
ber Next for Solemn Thanksgiving & praise to be printed & sent
to the several religious Societies through this State, And that the
Council direct & order that said Day be observed agreeably to said
Recommendation. [*Passed November 27.*]

CHAPTER 500.

RESOLVE DIRECTING ZEBEDEE SPROUT TO STAY THE SALE OF
JANE CLARK'S EFFECTS.

Legislative
Records of the
Council,
xxxviii., 162.
Mass.
Archives,
ccxvi., 27.

WHEREAS the Agent appointed by the Judge of Probate for the
County of Plymouth to administer on the Estates of the late
Judge Oliver Doc^r Peter Oliver & Miss Jane Clark hath adver-
tized the same to be sold by public Vendue, & it not appearing
that y^e said Jane Clark was in the same Predicament with the
other two Persons beforenamed, It is therefore

Resolved That Zebedee Sprout Agent for the Aforesaid Estates
be & he hereby is directed to stay the Sale of Jane Clarks Effects
& keep them in his Possession untill the further Order of this
Court. [*Passed November 27.*]

CHAPTER 501.

RESOLVE DIRECTING THE TREASURER TO ATTEND TO THE BUSINESS OF COLLECTOR'S OF TAXES IN PREFERENCE TO OTHERS.

As THERE are a Number of Collectors of Publick Taxes and others in their behalf, now Waiting in Boston at the Treasurers office that are Prevented Settling with the Treasurer by Reason of A Number that attend said office to Receive Notes in Exchange for this States money, Therefore

Legislative
Records of the
Council,
xxxviii., 162.
Mass.
Archives,
ccxvi., 28.

Resolved that the Treasurer attend such Collectors and others in their behalf as aforesaid that may attend His office before the First Day of Decembr next in Preference to those that want His Notes for the States money in their Hands. [*Passed November 27.*]

CHAPTER 502.

ORDER DESIRING GEN^L HEATH TO PROCURE QUARTERS FOR GEN^L BURGUYNE'S OFFICERS.

THE COMMITTEE of Both Houses appointed for the purposes Abovementioned have Conferred with Gen^l Heath upon the subject, who Informed them that he found it impracticable to provide Quarters for all the officers of y^e Army lately under the Command of Gen^l Burgoyne in the Houses in the Town of Cambridge; That he was averse to taking up either of the Colledges for that purpose if it could be prevented; That he thought it might be avoided by Quartering some of the officers at Medford and Menotomy; Your Committee are therefor of opinion, as less Inconvenience & Expence will Arise from quartering some of the officers at Medford and Menotomy than by taking up one of the Colledges for that Purpose, that it will be best to desire Gen^l Heath to procure Quarters for such officers, as are not yet Provided for, at those places,

Legislative
Records of the
Council,
xxxviii., 163.
Mass.
Archives,
ccxvi., 29.

Legislative
Records of the
Council,
xxxviii., 161.

all which is humbly Submitted.

T CUSHING \wp order

In Council.

Read and Accepted & thereupon

Ordered that Gen^l Heath be and hereby is desired to procure quarters for such officers as are not as yet provided for at Medford & Menotomy agreeable to y^e above report.

In the House of Representatives

Read & Concurred. [*Passed November 28.*]

CHAPTER 503.

APPOINTMENT OF DAVID BARKER AS ADJUTANT OF THE 4TH CUMBERLAND COUNTY REGIMENT.

In the House of Representatives

The House made choice by Ballot of David Barker as an Adjutant to the fourth Regiment of Militia in the County of Cumberland.

Legislative
Records of the
Council,
xxxviii., 164.
Mass.
Archives,
ccxvi., 31.

Mass.
Archives,
ccxvi., 32.

In Council

Read & Concurred. [*Passed November 28.*]

CHAPTER 504.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO DELIVER SUNDRY ARTICLES TO AMASA DAVIS, COMMISSARY, FOR THE USE OF GEN^l REIDESELL.

Legislative
Records of the
Council,
xxxviii., 164.
Mass.
Archives,
ccxvi., 33.

UPON APPLICATION made in Writing by Amasa Davis Commissary, at the Desire of General Reidesell, requesting the Loan of sundry Articles of House Furniture out of the public Store, for the Use of which the said General was willing to pay:

Mass.
Archives,
ccxvi., 34, 34½.

Resolved that the Request of the said Amasa be complied with, & the Committee of Sequestration are hereby directed to furnish the said Amasa, for the purpose abovementioned, with the several Articles agreeable to the List by him exhibited, if such they have under their Care, Viz^t Two & half dozen Chairs one large Breakfast Table four middle Tables one Night Chair two Bedsteads with Beds two Looking Glasses one Tea board two Bureaus & one large water Kettle all which Articles the said Amasa is hereby directed to return in good Order & in proper Season to the said Committee of Sequestration in Boston. [*Passed November 28.*]

CHAPTER 505.

RESOLVE PROVIDING THAT THE MILITIA DETACHED TO GUARD THE BURGOYNE PRISONERS SHALL BE SUBJECT TO THE RULES AND REGULATIONS PREVIOUSLY ESTABLISHED.

Legislative
Records of the
Council,
xxxviii., 165.
Mass.
Archives,
ccxvi., 35.

WHEREAS on the Sixteenth of August last a Resolve passed the General Court in the words following viz

Resolved that all such persons as have been or shall hereafter be detached from the militia of this State for the purpose of keeping guards as aforesaid, shall be Subject to and Governed by the rules & regulations provided for the Government of the forces in the Service and pay of this State; and the Continental General Commanding in this State, is hereby impowered to appoint General Courts Martial, and to approve or disapprove of the Sentences of such Courts Martial as he shall Judge Just and Equitable, according to the aforesaid rules & regulations. And a doubt has arisen whether the said Resolve Extends to and Includes that part of the Militia which has been detached as Guards for General Burgoyne's Army now Prisoners at Prospect and Winter Hills Therefore

Resolved that the above recited Resolve of the Sixteenth of August be and hereby is Extended to all such Militia as are or shall be detached as Guards, and shall be Considered as included in the said Resolve as fully as though they had been Expressly mentioned in the same. [*Passed November 28.*]

CHAPTER 506.

Legislative
Records of the
Council,
xxxviii., 165.
Mass.
Archives,
ccxvi., 36.

RESOLVE APPOINTING A COMMITTEE TO ASSIST SAMUEL ALLYNE OTIS IN PROCURING CLOATHING FOR THE ARMY.

WHEREAS by a Resolve of the Honb Congress of the twelfth of Nov^r Instant the General Assembly of this State are requested to afford to Samuel Allen Otis Esquire the Agent of the Cloathier General in this State, the Necessary assistance for procuring &

having made up for the Army the cloathing mentioned in a Letter from Major General Heath to the Hon^e Congress. It is therefore

Resolved that Azor Orn, Esq^r Capt. Ebenezer Wales and M^r Moses Fraser be and they are hereby appointed a co^mittee to advise said Agent & to afford him all the assistance in their power in enabling him to procure said cloathing on the most reasonable Terms they can be obtained and that they be directed to attend on said Business immediately. [*Passed November 28.*]

Mass.
Archives,
ccxvi., 37.
Province
Laws, xix., 500,
chap. 173.

CHAPTER 507.

RESOLVE DIRECTING THE COMMITTEE THAT DISPOSED OF HORSES, ETC., TO PAY THE NET PROCEEDS INTO THE TREASURY.

Resolved that the Sum of forty two pounds two Shillings being the neat proceeds of the Sale of Horses and Carriages, imploy^d to Convey Indians from hence to Gen^l Washington, be paid in to the publick Treasury of this State, by the Committee Appointed for that purpose, they takeing duplicate receipts for the Same, one of which to be lodged in the Secretarys Office. [*Passed November 29.*]

Legislative
Records of the
Council,
xxxviii., 164.

Mass.
Archives,
cxliv., 404a.

Mass.
Archives,
cxliv., 403, 404.

CHAPTER 508.

RESOLVE DIRECTING MAJ. GEN^l HANCOCK TO APPOINT A COURT-MARTIAL TO TRY BRIG. GEN^l PALMER.

WHEREAS it appears by the Report of a Court appointed by the States of the Massachusetts-Bay, Connecticut and Rhode Island, to enquire into the Causes and Grounds of the Failure of the late intended Expedition against the Enemy at Rhode Island, convened at Providence Nov^r 12th 1777; That Joseph Palmer Esq^r who was appointed and acted as a Brigadier General of the Militia of this State in that Expedition, is accused of Disobedience of General Spencers Orders of the Ninth & Fifteenth of October last, & of neglect of Duty therein, particularly in not assembling and embodying his Brigade on the Sixteenth of y^e same October, agreeable to the said General Order of the Fifteenth, by Reason of which Neglect and Disobedience, the said intended Expedition is said to have failed. Therefore

Resolved that the Hon^{ble} Major General Hancock be and he hereby is directed to Order and appoint a General Court Martial to try the said Brigadier Palmer for his Neglect and Disobedience aforesaid, & adjudge thereon according to the Articles of War, & the Rules and Regulations for the Militia of this State. [*Passed November 29.*]

Legislative
Records of the
Council,
xxxviii., 167.

Mass.
Archives,
ccxvi., 40.

CHAPTER 509.

RESOLVE ON THE PETITION OF REV. ZACHARIAH MAYHEW AND REV. GIDEON HAWLEY.

ON THE JOINT PETITION of Zacheriah Mayhew of Chilmark in Dukes' County and Gideon Hawley of Mashpee in the County of Barnstable

Resolved That the Assessors of the Towns of Chilmark & Mash-

Legislative
Records of the
Council,
xxxviii., 168.

Mass.
Archives,
ccxvi., 43.

¹ This date is November 28 according to Legislative Records of the Council.


pee respectively, abate & remitt the whole Tax assess'd on the Rev^d Zachariah Mayhew & the Rev^d Gideon Hawley Missionaries to the Indians they having heretofore been exempted from public Taxes by Virtue of their sacred Office in which they still continue to be faithfull Servants. [*Passed December 1.*¹]

CHAPTER 510.

RESOLVE FOR RAISING GUARDS TO SERVE IN AND ABOUT BOSTON.

Legislative
Records of the
Council,
xxxviii., 168.
Mass.
Archives,
ccxvi., 46.

THE COMMITTEE of both Houses appointed to Consider what is Proper to be Done for Supplying the places of the Melitia that were Called in to Man the Forts in & about the Harbor of Boston and to Serve as Guards to the Continental Stores, take Leave to Report by way of Resolve which is Submitted

D DAVIS  order.

Resolved that there be Imediatly Detached from the Brigade in the County of Suffolk under the Command of Brigadier Lovell Including the alarm List one major one adjutant three Cap^{ts} Eight Subalterns fifteen Sergeants twenty four Corporals four Drumers two fifers & two Hundred & twenty men to Serve as Guards in the Towns of Boston Cambridge Medford Charlestown & Dotchester, until the First day of March unless Sooner Discharged to be under the Command of the Hon^l General Heath and to be allowed the Same pay & Rations as the Troops Serving in the Several Continental Regiments are allow^d & paid

viz from the Boston Regiment one Hundred men and the Remainder, being one Hundred & twenty men, from the other Regiments in Said County and the Council of this State are hereby Desired to Issue their orders to the Brigadier of the Said County of Suffolk that he Imediatly Cause two Hundred and twenty men to be detach^d from his Brigade in the manner & for the Service aforesaid, and also that he appoint from Such Regiments & Companys as he Shall Judge Proper one Major one adjutant three Captains Eight Subalterns fifteen Sergeants twenty four Corporals four Drumers & two fifers for the service aforesaid.

In the House of Representatives

Read & Accepted.

In Council

Read & Concurred. [*Passed December 2.*]

CHAPTER 511.

RESOLVE ALLOWING HALF PAY TO HENRY RELAY.

Legislative
Records of the
Council,
xxxviii., 169.
Mass.
Archives,
ccxvi., 47.

ON THE REPRESENTATION of John Lucas Commisary of Continental Pansioners in behalf of Henry Relay Late a Soldier in Col^o Brooks Rigem^t & Cap^t John Waltons Comp^y who was wounded the 28th of Oct^r 1776.

Resolved that the said Henry Relay is Intitled to half pay, to Commence from the 27th of Novemb^r 1776. [*Passed December 2.*]

Mass.
Archives,
ccxvi., 48, 49.

¹ This date is according to Legislative Records of the Council.

CHAPTER 512.

RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS IN PLYMOUTH COUNTY.

WHEREAS the Attendance of all the Members of the General Court is Required at the present Situation of publick Affairs, and many of them have Business that requires their Attendance at the Court of General Sessions of the Peace & Inferiour Court of Common Pleas to be holden at Plimouth within & for the County of Plimouth on the second Tuesday of December Instant, therefore

Res^d That the said Court of General Sessions of the Peace & Inferiour Court of Common Pleas by Law to be holden at Plimouth within & for the County of Plimouth on the second Tuesday of December Instant, shall be held at Plimouth on the Third Tuesday of April next, and that all Writs, processes & Recognizances returnable to & all appeals made to the said Court of General Sessions of the Peace & Inferiour Court of Common Pleas appointed by Law to be holden at Plimouth, and all Matters Causes & things that have day or that might have been had moved or done at in or by the said Courts at the time so appointed for holding the same, shall be returnable to & may be entered prosecuted had, moved & done at, in & by the said Courts at the time hereby appointed for holding the same, And the secretary is hereby directed to publish this Resolve in next Thursdays and Mondays News papers. [*Passed December 2.*]

Legislative
Records of the
Council,
xxxviii., 170.
Mass.
Archives,
ccxvi., 44.
Mass.
Archives,
ccxvi., 45.

CHAPTER 513.

RESOLVE DIRECTING DISCHARGE OF MEN STATIONED AT MERRY-CONEAG NECK AND SEBASCO DEGIN ISLAND.

Resolved That the Honb. Council be & hereby are desired to give Orders for discharging the eight Men stationed on Merry-coneag Neck & Sebasco Degin Island in the County of Cumberland, who were inlisted agreeable to a Resolve of y^e 24th June last, it appearing to this Court unnecessary to continue them longer in Service than the seventh instant. [*Passed December 2.*]

Legislative
Records of the
Council,
xxxviii., 171.
Mass.
Archives,
ccxvi., 53.

CHAPTER 514.

RESOLVE ON THE PETITION OF ELIZABETH ROSS.

ON THE PETITION of Elizabeth Ross of Falmouth in the County of Cumberland, praying that the Committee of Gorham may be directed to deliver her a Silver Cup and Tankard which were taken from her House sometime in or about the Month of May 1775 and now in the hands of said Committee by order of the General Court

Resolved That the Prayer of said Petition be so far granted as that the said Committee of Gorham be and are hereby directed to deliver to the said Elizabeth Ross or to her Order the said Silver Cup, to remain in her hands until demanded of her by Edward Tyng mention'd in her Petition or by his legal Representative, she giving said Committee a Receipt therefor. [*Passed December 2.*]

Legislative
Records of the
Council,
xxxviii., 171.
Mass.
Archives,
ccxvi., 50.
Mass.
Archives,
ccxvi., 51.

CHAPTER 515.

RESOLVE ADJOURNING COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS IN BRISTOL COUNTY.

Legislative
Records of the
Council,
xxxviii., 172.
Mass.
Archives,
ccxvi., 55.

WHEREAS the attendance of all the members of the Generall Court is Required at the present Situation of publick affairs, And many of them having Business that requires their attendance at the Court of Gen^l Sessions of the Peace & Inferiour Court of Common Pleas to be holden at Taunton within and for the County of Bristol on the third Tuesday of December Instant, therefore

Resolved that the s^d Court of General Sessions of the Peace and Inferiour Court of Common Pleas by Law to be holden at Taunton within and for the County of Bristol on the third Tuesday of December Instant, shall be held at Taunton on the second Tuesday of March next, And that all Writs, Processes & Recognizances returnable to & all Appeals made to the s^d Court of Gen^l Sessions of the Peace & Inferiour Court of Common Pleas Appointed by Law to be holden at Taunton, and all matters Causes and things that have day, or that might have been had moved or done at in or by the said Court at the Time so appointed for holding the same, shall be returnable to and may be entered prosecuted, had moved & done at, in and by the s^d Court at the time hereby Appointed for holding the same, and the Secretary is hereby directed to publish this Resolve in next Thursdays & Mondays News papers. [*Passed December 3.*]

CHAPTER 516.

RESOLVE FOR SUPPLYING THE CONTINENTAL REGIMENTS RAISED IN MASSACHUSETTS WITH VEGETABLES, ETC.

Legislative
Records of the
Council,
xxxviii., 173.
Mass.
Archives,
ccxvi., 63.

THE COMMITTEE of Both Houses appointed to Consider the Petition of Col^o John Greaton & others beg leave to report by way of Resolve

Whereas Complaint has been made to this Court by Coll Greaton & others Commanding Officers of a number of Continental Regiments raised by this State, that they have not been sufficiently supplied with Vegetables & other Stores for the accommodation of themselves and the men under their command

Resolved the Commissaries of Said State in y^e Southern and Northern departments for dealing out Stores be and they hereby are directed to use their utmost endeavours to procure such Stores and Vegetables as shall be sufficient to supply the Regiments raised in this State that are now station'd there, and to sell the same to the said Regiments in the same manner as they are directed to sell other Stores.

In Council

Read & accepted

In the House of Representatives

Read & Concurred. [*Passed December 3.*]

Mass.
Archives,
ccxvi., 64-67.
Legislative
Records of the
Council,
xxxviii., 168.

CHAPTER 517.

RESOLVE FOR PAYMENT OF £14. 16^s TO HON. JOHN HANCOCK, ESQ^r.

WHEREAS, upon the Representation of the Honorable John Hancock Esq, it appears that a Warrant, by order of the Governor with the Advice & Consent of Council, dated 26: January 1774 was drawn in his Favor upon Harrison Gray Esq Treas^r for the Sum of Fourteen pounds sixteen shillings for four Chaldrons Coal for the General Court, & that the said Warrant hath not been paid Therefore

Resolved That the said Sum of Fourteen pounds sixteen shillings be paid out of the public Treasury to the said John Hancock Esq or his order. [*Passed December 3.*]

Legislative
Records of the
Council,
xxxviii., 173.
Mass.
Archives,
ccxvi., 61.

Mass.
Archives,
ccxvi., 62.

CHAPTER 518.

RESOLVE PROVIDING THAT COPIES OF THE RESOLVE RELATING TO COURTS OF GENERAL SESSIONS BE SENT TO ALL TOWNS IN BERKSHIRE AND HAMPSHIRE COUNTIES.

WHEREAS a Resolve of the General Court of the 1st of Feb^y last, directing the Justices of the Counties of Hampshire and Barkshire to hold their Courts of General Sessions of the Peace, at the Times and places by Law prefixed therefor &c has not been properly dispersed^d in the s^d Counties therefore

Resolved^d that Dan^l Hopkins Esq^r be, and he hereby is directed to cause that a sufficient Number of the s^d Resolutions be printed & sent to each Town in the said Counties without Delay. [*Passed December 3.*]

Legislative
Records of the
Council,
xxxviii., 174.
Mass.
Archives,
ccxvi., 60.

Province
Laws, xix., 794,
chap. 839.

CHAPTER 519.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY SAMUEL ALLYNE OTIS WITH CLOATHING, ETC., FOR THE USE OF THE ARMY.

ON THE MEMORIAL of Samⁿ A Otis Esq^r Agent &c.

Resolved That the Board of War be and hereby are impowered and directed to deliver To Samⁿ A Otis Esq Agent to the Cloathier General for the use of the Army, All such Articles of ready made Cloathing Hatts, Shoes Stockings & Shirts as can be spared consistent with any former Engagements and the safety of this State; he Engaging to replace in the hands of the Board of War the like quantity of such articles as he may receive, provided upon their arrival at Camp they Should not be distributed among the soldiers belonging to the regiment raised in this state & in Case they Should be so distributed to pay for y^e same. And whereas Complaint has been made that the men Enlisted into the Regiments raised in this State have not been as yet Supplied with Cloathing Agreeable to y^e Engagements of Congress, notwithstanding very large quantities of Cloathing have been purchased in this State & forwarded to Head quarters for their Use therefore

Resolved that a Letter be wrote, & forwarded to Genⁿ Washington signed [by] the President of the Council Informing him of this matter and desiring that he would give orders that such of the men belonging to the Regiments raised within this State as have

Legislative
Records of the
Council,
xxxviii., 174.
Mass.
Archives,
ccxvi., 57.

Mass.
Archives,
ccxvi., 21, 41,
59.

not received the Cloathing promised them or as are now so destitute of Cloathing as to stand in absolute need of it should be the first that are Supplied out of the articles now to be delivered to Sam^l A Otis Esqr in order to be forwarded to y^e Army at or near Philadelphia. [*Passed December 3.*]

CHAPTER 520.

Legislative
Records of the
Council,
xxxviii., 175.
Mass.
Archives,
ccxvi., 56.

RESOLVE APPOINTING JOHN SCOLLAY, ESQ^r, TO COUNTERSIGN THE BOARD OF WAR NOTES.

Resolved That John Scollay Esq^r be and he is hereby appointed to countersign the notes issued for the Use of the Board of War in the room of Capt Ebenezer Wales who is absent. [*Passed December 3.*]

CHAPTER 521.

RESOLVE ON THE PETITION OF DAVID CORNING.

Legislative
Records of the
Council,
xxxviii., 176.
Mass.
Archives,
ccxvi., 69.

ON THE PETITION of David Corning of Nova scotia, who brought a Number of our Prisoners from that, to this State, Praying for Leave to Carry back with him, a Small Quantity of Provisions, & to have a Protection for the Same.

Resolved that the Committee of Corrispondence inspection & Safety, of Newburyport, be, & they are, hereby directed, to Suffer David Corning to purchase & take on board his Schooner Boat, Called the Lidia, Bound to Novascotia, one hundred & fifty bushels of Grain, Two barrels Pork, & Eight barrels Cyder and no more. And the Hon^{ble} Council of this State are hereby desired to Grant a Protection to the Said Corning for the purpose afore Said. [*Passed December 3.*]

CHAPTER 522.

RESOLVE ON THE PETITION OF EBENEZER PORTER.

Legislative
Records of the
Council,
xxxviii., 176.
Mass.
Archives,
ccxvi., 70.

ON THE PETITION of Ebenezer Porter of Novascotia who Brought a Number of our Prisoners, from that, to this State, Praying for Leave to carry back with him a Small Quantity of Provisions & to have a Protection for the Same.

Resolved that the Committee of Corrispondance Inspection & Safety, of Newbury Port, be and they are hereby directed, to Suffer Ebenezer Porter, to Purchase & take on board, his Shallope Called the Elisabeth bound to Novascotia, one hundred & fifty bushels of Grain, Two barrels Pork & four barrels Cyder, and no more and the Hon^{ble} Council of this State are hereby desired to Grant a Protection to the Said Porter for the Purpose afore Said. [*Passed December 3.*]

CHAPTER 523.

RESOLVE DIRECTING THE TREASURER TO RECEIVE THE BILLS OF CREDIT PAID IN BY CONSTABLES AND COLLECTORS.

WHEREAS in & by a Law of this State made & passed in the present year for drawing in and prohibiting the currency of the bills of Credit emitted by this State &c it is ordered that no such Bill except as is therein excepted shall pass in any payment after the first day of December then next, with this proviso that Collectors & Constables making oath that the bills of this State offered by them to be paid into the publick Treasury after the said first Day of December were by them received for that purpose before the first Day of December aforesaid, should be allowed to be paid into said Treasury. And whereas many collectors & constables may have sent Money to be paid into the Treasury by other persons it is therefore

Resolved that the Treasurer of this State be & he is hereby directed to receive of such persons the Money so sent provided the person offering the same shall make oath w^{ch} Oath the Treasurer is impowered to administer that the money by him offered was delivered to him by some Collector or constable to be carried to the Treasury On or before the said first Day of December any thing in said Act to the Contrary notwithstanding. [*Passed December 3.*]

Legislative
Records of the
Council,
xxxviii., 176.
Mass.
Archives,
ccxvi., 68.

Province
Laws, v., 731,
chap. 7;
820, note.

CHAPTER 524.

RESOLVE ON THE PETITION OF ICHABOD JONES.

UPON THE PETITION of Ichabod Jones praying for a Release from his Confinem^t at North-hampton & for a Restoration of his Estate

Resolved that the s^d Ichabod Jones be & he hereby is discharged from his Confinement & that his Estate be restored to him. [*Passed December 4.*]

Legislative
Records of the
Council,
xxxviii., 178.
Mass.
Archives,
cliv., 217.

Mass.
Archives,
cxxxix., 491;
cliv., 215;
clxiv., 350.
Province
Laws, xix.,
545, chap. 274.

CHAPTER 525.

RESOLVE PROVIDING FOR THE APPOINTMENT OF A CONDUCTOR OF STORES.

WHEREAS great Delays have been occasioned in the Transportation of the Stores provided by this State for the Use of their Quota of the Troops in the Continental Army, and great Losses have been sustain'd by the State as well as great Disappointments occasion'd to the said Troops by such Delays, for want of the Appointment of some suitable Person or Persons to receive such Supplies when provided, & conduct them with Safety and Dispatch to the Place of Destination. Therefore

Resolved That a Conductor of Stores be appointed by the General Court by Ballot, each branch to have a right to negative or originate the Choice, whose Business it shall be, & who shall be impowered by a Warrant from the Hon^{ble} the Major Part of the Council, from Time to Time to receive from the Co^mmittee appointed by this State to procure Supplies for their Quota of the

Legislative
Records of the
Council,
xxxviii., 179.
Mass.
Archives,
ccxvi., 72.

Continental Army all such Stores so provided & them transport and Conduct with all possible Safety and Dispatch to such Place or Places as the same may be destined unto, and according to the directions he may from Time to Time receive. And that the said Conductor either personally, or by such faithful and Discreet Person or Persons as he shall appoint, & for whose Fidelity he shall be accountable & who shall be vested with the same Powers as the Conductor shall attend upon the Transportation of said Stores from the Place where they are received unto the Place appointed for the Delivery of the same. And the better to enable the said Conductor to answer the good Purposes design'd in this Appointment it is further

Resolved that the said Conductor be and hereby is fully impowered to Hire and if need be to impress such and so many Teams as he may find necessary to transport said Stores, and to hire so many Guards as he shall find necessary to secure said Stores from being plunder'd or destroyed. And the Authority and People of the several States through which it is necessary such Stores should pass are requested to afford said Conductor or his Deputy all needed Aid and Assistance whilst passing through the same. And it is further

Resolved That the Hon^{ble} Council be and they hereby are empowered to draw upon the Treasurer of this State for such Sums of Money as they shall find necessary to pay for the transportation of said Stores, and deliver the same to the said Conductor for that Purpose, taking his Receipt therefor, and the said Conductor shall when and so often as he shall be thereunto required, account with the Hon^{ble} Council or this Court for the Expenditure of all such Sums of Money as he shall so receive, & shall give Bond in the Sum of one thousand Pounds to the Treasurer of this State for that Purpose and for the faithfull Discharge of the Trust reposed in him. And further,

Resolved that the said Conductor shall be allowed and paid for his Service the Sum of twelve shillings p^r Day for each Day he shall be actually employed in said Service exclusive of his reasonable Expences, a full and fair Acc^t of which he shall keep and render whenever he shall be called upon for Settlement. [*Passed December 4.*]

CHAPTER 526.

RESOLVE IMPOWERING ICHABOD GAY AND MARY FAIRBANKS, ADMINISTRATORS, TO EXECUTE A DEED.

ON THE PETITION of Ichabod Gay and Mary Fairbank Administrators on the Estate of David Fairbank late of Dedham Deceased Praying that they may be Impowered to make and Execute unto Nathaniel Dean a Good Deed of a certain Tract of Land Belonging to the Estate of the Deceased

Resolved that the Prayer be granted and that the Petitioners be & hereby are Impowered to execute a Good Deed of the Land mentioned in Said Petition for the Purposes there in mentioned and the Deed So Executed Shall be as vailed in the Law to all intents and purposes as tho the afor Said David Fairbank had executed the same in his Life Time any Law usage or Custom to the Contrary Notwith Standing. [*Passed December 4.*]

Legislative
Records of the
Council,
xxviii., 180.
Mass.
Archives,
ccxvi., 74.

Mass.
Archives,
ccxvi., 75, 75}.

CHAPTER 527.

RESOLVE IMPOWERING JEMIMA HILL, ADMINISTRATRIX, TO SELL
REAL ESTATE.

ON THE PETITION of Jemima Hill Administratrix on the Estate of Silas Hill late of Oakham Deceased Setting forth that the Personal Estate of the Deceased is not Sufficient to pay the Just Debts that are Due from Said Estate and that the Real Estate of the Deceased is under a Mortgage

Legislative
Records of the
Council,
xxxviii., 181.
Mass.
Archives,
ccxvi., 76.

Resolved that the prayer of the Petitioner be so far granted as that the Petitioner be and She is hereby fully empowered to make Sail of the whole of the Real Estate of the Deceased in her Petition mentioned for the most it will fetch, and make and execute a good Deed or Deeds there for She First Paying to the Person or Parsons to whom Said Real Estate is mortgaged all the money that is Due from Said Estate in Consequence of Said mortgage and observing the directions of the Law for the Sail of Real Estates by Executors and administrators; and Giving Sufficient Security to the Judge of Probate for the County of Worcester, that the Proceeds of Said Sail be applied for the Payment of the Debts of the deceased which are over and above what the Personal Estate is Sufficient to pay, Saving to the widow the use and Intrust of one Third During her natural Life and the Residue Shall be put to Intrust for the Benefit of the Children of the deceased agreeable to the Rules by Law required and the widows Thirds after her Decease to be for the benefit of the Heirs and Divided amongst them as the Law Directs. [*Passed December 4.*]

Mass.
Archives,
ccxvi., 77-79.

CHAPTER 528.

ORDER APPOINTING A COMMITTEE TO DRAUGHT A LETTER OF
THANKS TO GENERAL STARKS.

In Council

Ordered that Tim^o Danielson Esq^r with such as the Hon^{ble} House shall appoint be a Committee to prepare a Draught of a Letter of Thanks to the Hon^{ble} General Starks of the State of New Hampshire for the Present by him made to the State of Massachusetts Bay, of one Brass Drum a Fire Arm and Bayonet, one Grenadiers Cap and Hessian Sword, Part of the Trophies taken by that worthy General in the important Victory he obtained over a considerable Part of the British Army at the ever memorable Battle of Bennington.

Mass.
Archives,
ccxvi., 83.

In the House of Representatives

Read & concurr'd & M^r Partridge & M^r Sewall are joined.
[*Passed December 4.*]

CHAPTER 529.

LETTER TO GENERAL STARKS.

SIR,

The General Assembly of this State, take the earliest Opportunity to acknowledge the Receipt of your acceptable Present the tokens of Victory gained at the memorable Battle of Bennington.

Legislative
Records of the
Council,
xxxviii., 181.
Mass.
Archives,
ccxvi., 80, 82.

The Events of that day, strongly mark the Bravery of the Men, who, unskill'd in War, forc'd from their Intrenchments, a chosen

number of veteran Troops, of Boasted Brittons; as well as the Address and Valour of the General, who directed their Movements, and led them on to Conquest.

This signal Exploit open'd the way to a rapid Succession of Advantages, most important to America.

These Trophies shall be safely deposited in the Archives of the State, and there remind Posterity of the irresistible Power of the God of Armies, and the Honors due to the Memory of the Brave.

Still attended with like Successes, may you live long enjoy the just Reward of your grateful Country. [*Passed December 5.*]

CHAPTER 530.

RESOLVE FOR PRESENTING A SUIT OF CLOATHS TO BRIG. GEN^L STARKS.

Legislative
Records of the
Council,
xxxviii., 184.
Mass.
Archives,
ccxvi., 84, 85.

Mass.
Archives,
ccxviii., 352;
ccxvi., 80-83.

Resolved Unanimously That the Board of War of this State be and hereby are directed, in the Name of this Court, to present to the Hon'ble Brigadier General Starks a compleat suit of Cloaths becoming his Rank, together with a peice of Linnen; as a Testimony of the high Sense this Court has of the Great and important Services rendered by that brave Officer to the United States of America. [*Passed December 5.*]

CHAPTER 531.

RESOLVE ON THE PETITION OF JOHN ROBINSON.

Legislative
Records of the
Council,
xxxviii., 175.
Mass.
Archives,
ccxvi., 86.

THE COMMITTEE of both Houses appointed to consider the petition of John Robinson representing that one Andrew Herrick living on Crambery Island in the County of Lincoln is aiding & assisting the Enemies of America and praying that s^d Herrick may be prevented from Acting thus in opposition to the Cause of his Country have attended that Service, & take leave to report that s^d Robinson be & he hereby is directed to make his Complaint to either of the Justices of the Peace in said County to the extent that said Herrick may be dealt with as to Law and Justice appertains, which is humbly Submitted

JOHN TAYLOR p Order

In Council

Read & Accepted

In the House of Representatives Read & concurred and thereupon

Resolved that John Robinson, who in his Petition to this Court has represented that one Andrew Herrick living on Cramberry Island in the County of Lincoln is aiding & assisting the enemies of America & prayed that said Herrick may be prevented from acting thus in opposition to his Country, be & he hereby is directed to make his complaint to either of the Justices of the peace in said County to the Intent that said Herrick may be dealt with as to Law & Justice appertains.

In Council

Read & Concurred. [*Passed December 5.*¹]

¹ This date is December 3 according to Legislative Records of the Council.

CHAPTER 532.

RESOLVE FOR REMOVING WM HASWELL AND FAMILY TO ABINGTON.

Resolved That the Selectmen of Hingham be and hereby are directed to remove William Haswell and Family to the Town of Abington and that the Selectmen of Abington are directed to receive said Haswell & Family and allow them proper support, and present their Account to this Court for allowance & payment.
[Passed December 5.]

Legislative
Records of the
Council,
xxxviii., 182.
Mass.
Archives,
ccxvi., 87.

CHAPTER 533.

APPOINTMENT OF NEHEMIAH ABBOT AS CONDUCTOR OF STORES.

In the House of Representatives
 The House made choice by Ballot of M^r Nehemiah Abbot as a Conductor of Stores procur'd for this States Quota of the Continental Army.
 In Council
 Read & Concurred. *[Passed December 5.]*

Legislative
Records of the
Council,
xxxviii., 183.
Mass.
Archives,
ccxvi., 88.

CHAPTER 534.

RESOLVE RELATIVE TO REGIMENTS OF GUARDS STATIONED AT PROSPECT HILL AND WINTER HILL.

Resolved that there be allowed & paid to Each noncommissioned officer & private soldier belonging to either of the Regiments Detached from the militia of this state now Doing Duty under General Heath as Guards to the British & foreign troops stationed at Prospect & Winter hills a bounty of twenty shillings pr month from the time of their entring upon said service to the time of their Discharge

Legislative
Records of the
Council,
xxxviii., 184.
Mass.
Archives,
ccxvi., 89.

Resolved that the several Comisarys appointed by this Court to provide any articles for the British or foreign troops aforesaid be and they hereby are Directed to supply any officer or private soldier belonging to either of the Regiments of Guards aforesaid with the same kinds of articles they paying for the same

Resolved that the council be & they hereby are requested to take some effectual measures for making up the Deficiencies in the Regiments aforesaid

Resolved that if any non-commission^d officer or private soldier who shall be ordered by his Comanding officer in consequence of an order of the Council of this state to join with and Do Duty in either of the Regiments afores^d and shall not within twenty four hours procure some able bodied man to serve in his stead or pay a fine of ten pounds shall be Considred as belonging to such Regiment and treated accordingly. *[Passed December 5.]*

CHAPTER 535.

RESOLVE DIRECTING THE TREASURER TO RECEIVE OF JOHN CUSHING, MUSTER MASTER, BALANCE OF MONEY REMAINING IN HIS HANDS.

Legislative
Records of the
Council,
xxxviii., 183.
Mass.
Archives,
ccxvi., 90.

In the House of Representatives.

Whereas John Cushing Esq^r Muster Master for the County of Essex Rec^d the Sum of 250 Pounds in the Month of August last to enable him to pay the Sum of three Pounds to every non Commission Officer and Soldier that Should enlist into Either of the two Regiments of Light Infantry to be raised to go to Rhode Island and he having Mustered only 44 in the whole There is Still a Considerable Sum of Money in the Hands of Said Muster Master.

Therefore

Resolved that the Treasurer of this State be and He hereby is directed to Recieve of the Said John Cushing Esq^r Muster Master The Money remaining in his hands Over and above what he has paid to the Soldiers he has Mustered in the two Regiments above Mentioned taking Duplicate Receipts one of which to be lodged in the Secretary's Office; and if the Money which he Shall So Return and the Receipts which he Shall produce for the Money he has paid to the Soldiers he has Mustered Shall a Mount to the afore Said Sum of 250 Pounds, the Treasurer is hereby Directed to Discharge the Said Muster-Master of that Sum of 250 Pounds.

And whereas it appears to this House there is now in the Hands of the Said Muster Master aboute two Hundred Bounty Notes which are dated in the Months of Jan^y and Feb^r last

it is also

Resolved that the Said Muster Master be Directed to Return all Such Notes now remaining in his hands to the Treasurer and that the Treasurer be directed to discharge him of So Many of Notes Such as he Shall return. [*Passed December 6.*¹]

CHAPTER 536.

RESOLVE IMPOWERING JOSEPH PARKER, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 185.
Mass.
Archives,
ccxvi., 93.

ON THE PETITION of Joseph Barker [Parker]² administrator on the Estate of James Eaton Late of Reading Deceased, praying that the Estate of the Deceased may be Sold for the payment of the Just Debts and the Benefit of the Children of the Deceased

Resolved that the Prayer be granted and that the Petitioner be and he is here by impowred to make Sale of the whole of the Real Estate in his Petition mentioned for the most it will fetch and to execute a good Deed for the Same; he obsarving the Rules of the Law for the Sail of Real Estates by Execcutors and Administrators and giving Security to the Judge of Probates for the County of Middlessex that the Proceeds of Said Sale shall be applied for the Payment of the Debts of the Deceased and the Residue after the Said Debts are paid be put on Intrust for the Benefit of the Children. [*Passed December 6.*]

¹ This date is December 5 according to Legislative Records of the Council.

² Inserted from petition, Mass. Archives, ccxvi., 95.

CHAPTER 537.

RESOLVE DIRECTING JOSEPH TRUMBULL, LATE COMMISSARY GENERAL, TO DELIVER 17000 BUSHELS OF SALT TO MAJOR JACOB DAVIS FOR THE USE OF THE ARMY.

WHEREAS the Hon^{ble} Continental Congress have Orderd the late Commissary Gen^l M^r Trumbull to deliver over unto the Commissary Gen^l of Issues his Dep^{ty} or assistants all the Stores in his Hands & no such Deputy or Assistant is appointed & ready in this State to receive such Stores. And whereas there are Orders from Congress for 12,000 Bushels of Salt, now in the Stores in this State & in the Hands of the said late Commissary Gen^l to be remov'd to Connecticut for the Use of the Army to the Southward, & also another Order from Gen^l Gates for 5,000 Bushels more of Salt for the Use of the Army to the Northward; both which Quantities are immediately wanted & the supporting our Armies much depends upon the immediate Complying with the said Orders. Therefore

Legislative
Records of the
Council,
xxxviii., 186.
Mass.
Archives,
ccxvi., 96.

Mass.
Archives,
ccxvi., 97, 98.

Resolved that Joseph Trumbull Esq^r late Commissary Gen^l be & he hereby is requested to deliver the said Quantity of Seventeen Thousand Bushels of Salt now in the Continental Stores in Sudbury & Sherborn unto Major Jacob Davis of Charlton who is hereby impowerd to receive the same, twelve Thousand Bushels of which he is to send forward to Hartford in Connecticut, & there deliver to the Order of Peter Colt Esq^r Deputy Commissary Gen^l of Purchases in the Eastern Department, at the Expence of y^e s^d Peter Colt, according to Order of Congress, & the remaining five Thousand Bushel to deliver to the Order of Jacob Cuyler Esq^r Deputy Commissary Gen^l of Purchases for the Northern Department, according to Orders from Gen^l Gates. And the said Jacob Davis Esq^r is hereby impowerd and directed with all possible Expedition to procure Teams to transport the said Quantity of twelve Thousand Bushels of Salt to Hartford, at the Expence of the said Peter Colt Esq^r & in Case Teams sufficient to transport the same cannot otherwise be procured, he the said Jacob Davis Esq^r is hereby impowerd to impress such and so many Teams as may be necessary to compleat the same and the Select Men & Committees, as also the good People in the Neighbourhood are earnestly requested to exert themselves in forwarding the said Salt immediately as their Safety and Happiness in so great a Measure depends thereon

And whereas this Court are at present unable to comply with the Request of the said Peter Colt Esq^r in supplying him with a sum of Money to pay for transporting the said Salt to Hartford therefore

Resolved that it be recommended to the said Peter Colt Esq^r to apply to Gen^l Heath for such a supply of money as may be sufficient to enable him to comply with the Orders of Congress, in the Business aforesaid. [*Passed December 6.*]

CHAPTER 538.

RESOLVE IMPOWERING THE BOARD OF WAR TO SELL PRIZE VESSELS.

WHEREAS the Honourable Board of War by their Commission bearing Date the seventh Day of July have power to receive the State Share of all prizes taken by Armed Vessels and sent into any

Legislative
Records of the
Council,
xxxviii., 191.

Mass.
Archives,
ccxvi., 100.

Province
Laws, v., 600,
chap. 22.

port whatever but are not authorized to dispose of any Vessel that may be Condemned for the Breach of the naval laws of this State or the Resolves of Congress or to receive the proceeds of such Condemned Vessels

It is therefore

Resolved that the Said Board of War be and they hereby are impowered to Sell by themselves or Such person as they Shall appoint all such Vessels as are or Shall be condemned for the Causes aforesaid and to Receive and pay the neat proceeds thereof into the Treasury of this State, taking two Receipts therefor one of which to be Lodged in the Secretarys Office. [*Passed December 8.*]

CHAPTER 539.

RESOLVE FOR QUARTERING GEN. BURGOYNE'S OFFICERS IN PRIVATE HOUSES.

Legislative
Records of the
Council,
xxxviii., 190.
Mass.
Archives,
ccxvi., 102.

WHEREAS Quarters have not yet been Provided for all the officers belonging to the Corps Lately Commanded by Gen^l Burgoyne, in Cambridge and Medford, Therefore

Mass.
Archives,
ccxvi., 101,
101½.

Resolved that Gen^l Heath may take up Quarters in Private Houses (with permision of the owners) upon the Road leding from Cambridge to Lexenton as far as Lexenton meeting House if Neede be. [*Passed December 9.*]¹

CHAPTER 540.

RESOLVE DIRECTING THE BOARD OF WAR TO SELL STEEL TO TOWNS.

Legislative
Records of the
Council,
xxxviii., 191.
Mass.
Archives,
ccxvi., 103.

Resolved that the Board of War be and they hereby are directed to sell one half of the Steel they now have on hand, or so much as they Apprehend may be Spared to such towns in this State as have not been already Supplied with that article to be delivered to the Representative from such town or Selectmen or their Order, they paying for the same at a reasonable rate & to be proportioned as near as may be according to such towns tax. [*Passed December 9.*]

CHAPTER 541.

RESOLVE ON THE PETITION OF ISRAEL TROW.

Legislative
Records of the
Council,
xxxviii., 192.
Mass.
Archives,
ccxvi., 101.

ON THE PETITION of Israel Trow of Norton,

Mass.
Archives,
ccxvi., 105.

Resolved That Israel Trow be directed, & is Hereby Directed, emediately to Deliver to the Board of War of this State, the articals which he the Said Trow Received back from William Cox, or to the Value of the State bounty which was Twenty Pounds. [*Passed December 9.*]

¹ This date is December 8 according to Legislative Records of the Council.

CHAPTER 542.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO DISPOSE OF SEQUESTERED GOODS AS PREVIOUSLY DIRECTED.

Resolved that the Committee of Sequestration be & they hereby are directed to proceed immediately to the Execution of the Resolve of this Court passed on October 21st last relative to the disposal of the Sequestred Goods, excepting the Books of every kind among said Goods, of which they are hereby directed to Cause a Catalogue to be made as soon as may be & delivered to the Court. [*Passed December 9.*]

Legislative
Records of the
Council,
xxxviii., 193.
Mass.
Archives,
ccxvi., 106.

CHAPTER 543.

ORDER APPOINTING A COMMITTEE TO REVISE THE MILITIA ACT.

ORDER OF THE HOUSE, that Colonel Sartell and Colonel Little with such as the Honb^{le} Board shall join, be a Committee to revise the Militia Act and report what Additions or Amendments are proper to be made.

Read and Concurred and Timothy Danielson Esq^r is joined. [*Passed December 9.*]

Legislative
Records of the
Council,
xxxviii., 192.

CHAPTER 544.

ORDER APPOINTING A COMMITTEE ON THE COMPLAINT OF STEPHEN WHITE AGAINST THE COMMITTEE OF CORRESPONDENCE OF HOLDEN.

Ordered That Captain Washburne, Colonel Hutchinson and Colonel Sartell with Such as the Honb^{le} Board shall join, be a Committee to Consider the Petition and Complaint of Stephen White of Holden against the Committee of Correspondence, &c of that Town, hear the Parties and report.

Read and Concurred, and John Taylor and Timothy Danielson Esq^r are joined. [*Passed December 9.*]

Legislative
Records of the
Council,
xxxviii., 193.

CHAPTER 545.

RESOLVE SUSPENDING FURTHER PROCEEDINGS UNDER THE RESOLVE RESPECTING FREELOVE SCOTT.

WHEREAS by a Resolve of this Court passed upon the Petition of Freelove Scott, on the 18th of October last, the Committee of Sequestration are empower'd to settle with any of the Absentees Wives remaining in this State in the same Manner as by the Preceding Resolve they are directed & empower'd to settle with the said Freelove Scott, which it is apprehended will prove injurious to Individuals who may be Creditors, & also to the Publick, if put in Execution

Therefore

Resolved that the Committee of Sequestration be and hereby are directed to suspend any further Proceedings upon the Resolve before recited untill the further Order of this Court. [*Passed December 10.*]

Legislative
Records of the
Council,
xxxviii., 194.
Mass.
Archives,
ccxvi., 108.

CHAPTER 546.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY CLOATHING
FOR OFFICERS OF COL^O WIGGLESWORTH'S REGIMENT.

Legislative
Records of the
Council,
xxxviii., 195.
Mass.
Archives,
cexvi., 109.

ON THE PETITION of Thomas Smart, in behalf of the officers of Colonel Wigglesworth's Battallion Setting forth that Said officers were almost destitute of Cloaths, and praying that they might be Supplied.

Resolved that the Board of War be and they are hereby directed, to Sell to Thomas Smart for a Reasonable price, for the use of the Commission'd Officers of Colonel Wigglesworth's Battalion, So much Cloathing as will be Sufficient for Each of Said Officers, one Suit if they have so much, if not as much as they may Judge Can be Spared Consistant with the Necessities of the army,

Also

Resolved that the Board of War be and they are hereby further directed, to, Supply the Commissioned officers, of Such other Battallions, as are in the Continantal Army, & Raised by this State, with Cloathing as they Shall apply, Said Officers paying for the Same at a Reasonable Rate, According to the discreation of Said Board. [*Passed December 10.*]

Mass.
Archives,
clvii., 100;
cexvi., 110.

CHAPTER 547.

ORDER ON THE PETITION OF WILLIAM PHIPPS AND CHARLES
RICHARDSON.

Legislative
Records of the
Council,
xxxviii., 194.

Ordered That Timothy Danielson Esq^r with such as the Hon^{ble} House shall appoint, be a Committee to Consider the Petition of William Phipps and Charles Richardson respecting the Towns of Worcester, Leicester, Oxford and Sutton, and to hear the Parties and report what is best to be done thereon.

Read and Concurred, and M^r Wood and Col^o Sartell are joined on the part of the House. [*Passed December 10.*]

CHAPTER 548.

APPOINTMENT OF ALEXANDER SHEPPARD AS CONDUCTOR OF
STORES.

Legislative
Records of the
Council,
xxxviii., 197.
Mass.
Archives,
cexvi., 111.

In the House of Representatives.

The House made choice by ballot of M^r Alexander Sheppard, as a Conductor of Stores in the room of M^r Abbot who declines serving.

In Council

Read & Concurred. [*Passed December 11.*]

CHAPTER 549.

RESOLVE FOR RAISING MEN FOR SEA COAST DEFENCE.

WHEREAS the time for which the Men stationed at several Places on the Sea-Coasts in this State expires on the last day of this Instant December It is therefore

Legislative
Records of the
Council,
xxxviii., 187.

Resolved that there be raised in the Province of Maine & stationed at Falmouth in the county of Cumberland Twenty Men Viz one Lieutenant, one Serjeant, one Corporal & seventeen Matrosses & at Cape Elizabeth Ten Men viz one Serjeant, One Corporal & eight Matrosses, And it is further

Mass.
Archives,
ccxvi., 114.

Mass.
Archives,
ccxvi., 117.
Legislative
Records of the
Council,
xxxviii., 171.
Province
Laws,
xix., 900,
chap. 1086.

Resolved that there be raised in the County of Essex Sixty seven men Including officers to be stationed as follows viz. at Plumb-Island One sergeant & six matrosses; at Glocester one Lieutenant, one Sergeant, one Gunner, one Corporal & eleven Matrosses; At Marblehead one Lieutenant one Sergeant, one Gunner, one Corporal & eleven Matrosses; And at Salem One Lieutenant, one Sergeant, one Gunner, one Corporal & eleven Matrosses; and at Beverly, one Lieutenant, one Sarjeant one Gunner, one Corporal & Eleven Matrosses — Also

Resolved that there be raised in the County of Bristol & stationed at Dartmouth One Lieutenant, one Gunner, one Sergeant, one Corporal & eleven Matrosses; Also that there be raised in the County of Plymouth & stationed at the Gurnet one Lieutenant two Sarjeants, Two Corporals one Gunner & Twenty four Matrosses; Also

Resolved that there be raised & Stationed at the Elizabeth-Islands, One Lieutenant, one Gunner, two Sarjeants two Corporals & Twenty four Matrosses.

And it is further

Resolved that there be allowed & paid to each officer & private aforesaid, as wages for each callender Month such officer or private shall continue in said service the following Sums respectively, Viz.

To each Lieutenant,	Five pounds
To each Sergeant,	Three pounds
To each Gunner	Three pounds
To each Corporal	Two pounds fifteen shillings
To each Private	Two pounds ten shillings

And the pay of each noncommissioned officer & private Soldier shall commence two Days before their marching from their respective homes to their Stations. And that the time of Service of said Men commence on the last day of December Instant at their respective Stations & that they continue therein four Months from that time unless sooner discharged.

And it is further

Resolved that each Noncommissioned Officer & private Soldier shall equip himself with a good effective fire Arm & Bayonet a Cartridge-Box, Knapsack & Blanket & wooden Bottle or Canteen which will hold one quart & that no such officer or private be allowed to pass muster unless so equipped: And said men shall be mustered by the Colonel or commanding officer of the Regiment of militia within whose limits said men are respectively to be stationed in consequence of this Resolve, who is hereby impowered to muster them accordingly & to give general directions to the officer who immediately commands such Party & see that the men are kept to their Duty & make quarterly returns to the Council of their State and Number And it is also

Resolved that suitable persons shall be appointed to provide for & supply the aforesaid men at their several stations with such provisions as were allowed the men in the sea coast service in the year one thousand seven hundred & seventy six

It is also further

Resolved that the Men who shall be inlisted & stationed by this Resolve in the several Sea Ports therein mentioned shall be subject to be drafted by the commanding officers of the company to which they respectively belonged at the time of their inlisting equally as

the Other men in such Company, provided such Draft be made to do duty without this State. And in case any draft shall be so made from either of the Corps to be raised by this Resolve the Officer commanding such Corps is hereby impowered to inlist a number sufficient to fill any vacancy occasioned thereby, and it is further

Resolved that the Council be & hereby are desired to appoint the Commissioned Officers aforesaid & suitable persons to provide for & supply them. [*Passed December 12.*¹

CHAPTER 550.

RESOLVE PROVIDING ADDITIONAL QUARTERS FOR GEN^L BURGoyNE'S OFFICERS.

Legislative
Records of the
Council,
xxxviii., 197.
Mass.
Archives,
ccxvi., 120.

Mass.
Archives,
ccxvi., 118.

Resolved That General Heath may take up Quarters for the officers belonging to the British & foreign Troops lately commanded by General Burgoine in Private Houses (with permission of the owners) upon the Road leading from Cambridge to Watertown as far up as to Include m^r Remington's dwelling House, and over Watertown Bridge as far as Angers Corner and upon the North Road in Watertown Gen^L Heath not having been able to procure sufficient quarters upon the Lexington Road in pursuance of the Resolve of y^e 8th Instant. [*Passed December 12.*

CHAPTER 551.

RESOLVE PROHIBITING THE SALE OF LIQUORS AND PROVISIONS TO BRITISH PRISONERS, ETC., EXCEPT BY COMMISSARIES.

Legislative
Records of the
Council,
xxxviii., 196.
Mass.
Archives,
ccxvi., 122.

Mass.
Archives,
ccxvi., 126.

WHEREAS the disposing of distilled Liquors, Wine alle, Beer or Cyder, among the British and foreign Troops now at and near Prospect and Winter Hill, and the Supplying them with the Various sorts of Provisions usually bro't to Boston market, the produce of the United States or any of them, that they shall need over and above the Rations to be supplied by General Heath, in other way & manner than the Resolution of the 25th of October last directs, will be attended with mischevious Consequences It is therefore

Resolved that any Person (other than such as are or may be appointed Commisaries in pursuance of a Resolve of the General Court of the 25th of Oc^r last) who shall sell or dispose of any Spirits distilled, Wine, alle Beer or Cyder to any of the British or Foreign Troops within one mile of the Camp at Winter or Prospect Hill, shall forfeit and pay for each and every offence, to him or them that shall prosecute therefor by Complaint, in Writing before any Justice of the Peace for the County of middlesex, within Twenty days next after the offence Committed, the Sum of Six pounds with Costs of Prosecution. And any Person (other than such as are or may be appointed Commisaries in pursuance of the Resolve of Oc^r 25th last) who shall sell or dispose of any kind of Provisions usually brought to Boston market, the produce of the United States to any of the British or Foreign Troops afores^d within one mile of the Camp shall for each and every offence forfeit and pay to him or them that shall prosecute there-

¹ This date is December 8 according to Legislative Records of the Council.

for, within Twenty days before any Justice of the Peace for the County of Middlesex the Sum of Three pounds with Costs of prosecution, and it shall and may be lawfull for any of the Guards that are or may be placed about the Camp by General Heath or his order, to apprehend and take into custody, within one mile of the said Camp any offender against this Resolution for safe keeping (not exceeding 24 Hours) until such offender can be carried before some Justice of the Peace to answer therefor.

And any Person apprehending himself aggrieved at the determination of a Justice of the Peace upon this resolution may appeal to the Court of general Sessions of the Peace then next following in the County of Middlesex, the appellant Recognizing with one or more Suretys in a Reasonable Sum for prosecuting the appeal and abiding the determination of the Court of Sessions thereon, and the Testimony of any legal Witness reduced to Writing & Sworn unto on the Tryal before the Justice, or the Copy thereof, by him duly certified may be admitted upon the appeal any Law usage or Custom to the Contrary notwithstanding. [*Passed December 13.*¹

CHAPTER 552.

ORDER ON THE PETITION OF EZRA HOUGHTON.

ON THE PETITION of Ezra Houghton a Prisoner in Worcester Goal, praying that he may be liberated, giving Bond

Ordered That the Sherriff of the County of Worcester be & he hereby is directed to Liberate the s^d Ezra Houghton from the Goal in Worcester, he first giving Bonds to the Treasurer of this State & Successor in s^d office, the s^d Ezra as principal in the sum of Two Thousand pounds with four good & Sufficient Sureties in the sum of five hundred pounds each, Conditioned that the s^d Ezra Shall personally appear at the next Superiour Court to be held at Worcester in the County of Worcester afores^d in April next and not Depart without license; and in the mean Time be Confined to his own Farm and not Exceed the Limits of his Home Lot, nor hold any Correspondence directly or indirectly with any person that hath been or is Concerned in Counterfeiting the Bills of publick Credit of, or that is unfriendly to this, or either of the United States of America. [*Passed December 13.*²

Legislative
Records of the
Council,
xxxviii., 198.
Mass.
Archives,
ccxvi., 130.
Mass.
Archives,
ccxvi., 129.

CHAPTER 553.

RESOLVE VESTING THE MASSACHUSETTS DELEGATES IN CONGRESS WITH CERTAIN POWERS.

WHEREAS the Hon^{ble} John Hancock Samuel Adams John Adams, Robert Treat Paine, Elbridge Gerry Francis Dana & James Lovel Esq^{re} have been chosen by joynt Ballot of the two Houses of this Assembly to represent the State aforesaid in the American Congress for one Year to commence on the first day of Jan^y next ensuing

Resolved that the abovenamed Gentlemen be, and they hereby are fully impower'd, with other Delegates from the other American States for the term abovemention'd, to concert direct and order such further Measures as to them shall appear best calcu-

Mass.
Archives,
ccxi., 406-408.
Legislative
Records of the
Council,
xxxviii., 178,
198.

¹ This date is December 11 according to Legislative Records of the Council.

² This date is December 12 according to Legislative Records of the Council.

lated for the Establishment of Right Liberty and Independence to the American States, upon a Basis permanent & secure; for prosecuting with Vigor the present just and necessary War, concluding Peace, contracting Alliances, regulating Commerce, and guarding against all encroachments and Machinations of the Enemies of these United States, and to adjourn to such times & Places as shall appear most conducive to the public Safty & Advantage.

And it is further

Resolved That not less than three of the abovemention'd Gentlemen shall make a Representation of this State The Majority of those present after consultation to give the Voice of the State, Notwithstanding it is expected that five of them will attend as generally as may be.

And the Secretary is hereby directed, forthwith to forward to each of the above named Gentlemen a Copy of their Appointment and of this Resolution. [*Passed December 13.*]

CHAPTER 554.

RESOLVE ON THE PETITION OF ISRAEL WILLIAMS AND ISRAEL WILLIAMS JUN^r.

Legislative
Records of the
Council,
xxxviii., 200.
Mass.
Archives,
cliv., 227.

ON THE PETITION of Israel Williams and Israel Williams jun^r praying to be liberated from their confinement in Goal in Northampton in the County of Hampshire

Mass.
Archives,
cliv., 228-233.

Resolved that the Prayer of their Petition be so far granted that the said Israel Williams & Israel Williams jun^r be liberated from the Goal aforesaid on Condition hereafter mentioned, (viz^t) that they give Bonds with sufficient sureties to Henry Gardner Esq^r Treasurer of this State for the sum of Three Thousand pounds Each, for their good Behaviour towards this State, that they will not directly nor indirectly by writing conferring or any other way hold up any correspondence with the Enemies of this State or any of the United States of America and that the said Israel the Elder be Confin^d to his own House & home-Lot in the Town of Hatfield with Liberty to attend Public Worship within the Town of Hatfield on Lords Days, and Israel Williams Jun^r be confined to the said Town of Hatfield and not to Depart wth out the further order of this Court and that they pay all cost that has arisen or may arise in consequence of their imprisonment and that they be under the care of the Committee of Correspondence &c of the Town of Hatfield for their faithfully abiding by the Conditions aforesaid. And the Sheriff of the County of Hampshire is hereby directed to put this Order into Execution Accordingly. [*Passed December 13.*]

CHAPTER 555.

RESOLVE ON THE PETITION OF THE COMMITTEE OF CORRESPONDENCE, ETC., OF MONTAGUE.

Legislative
Records of the
Council,
xxxviii., 201.
Mass.
Archives,
ccxvi., 131.

ON THE PETITION of the Committe of Correspondence Inspection & Safty of the Town of Montague in the County of Hampshire.

Resolved that Joseph Root Esq^r Joseph Root Jun^r Martin Root, Ephraim Marsh Eleazar Marsh Ephraim Marsh Jun^r Lieu^r Reuben Scott Eleazar Scott Ira Scott Samuel Smead Ezra Smead, Nims Smead, Moses Severance, Daniel Lawrence, Philip Root Elisha

Root, Moses Root, Oliver Root, Ebenezer Billing & Bildad Billing be discharged, released and set at full Liberty from any Restraining or Confinement they have been laid under by Capⁿ Joseph Slarrow of Leverett, Capⁿ Noadiah Leonard & Capⁿ Caleb Montague of Sunderland & Capⁿ Moses Harvey of Montague and others, and that the said Military Officers and others desist from any further restraining them in any Manner except by the known & established Law of the Land. [*Passed December 13.*]

CHAPTER 556.

RESOLVE ALLOWING ADDITIONAL PAY TO THE MILITIA THAT REINFORCED THE NORTHERN ARMY.

Resolved that there be allowed and paid out of the Publick Treasury of this State to the Militia that Marched to Reinforce the Northern army in Consequence of a Resolve of 22^d of Sep^r Last to Each Non Comision Officer and Soldier the Sum of two Pounds ten Shillings per Kalender Month in addition to the Continental pay. [*Passed December 13.*]

Legislative
Records of the
Council,
xxxviii., 202.
Mass.
Archives,
ccxvi., 132.

CHAPTER 557.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO DISPOSE OF JOSEPH SCOTT'S EFFECTS.

WHEREAS by a resolve of this Court of the 18 Oct^o last the Com^{tee} of Sequestration was directed to deliver to Freelove Scot One third part of the goods & other Personal Estate in their hands lately belonging to her Husband Joseph Scot, & Whereas it is represented to this Court that his Estate will not be more than sufficient to discharge the debts against said Estate therefore

Resolved that the Com^{tee} of Sequestration be & they hereby are directed to dispose of s^d Joseph Scots Effects according to the directions of this Court for the disposal of other Absentees Estates any act or resolve to the Contrary notwithstanding. [*Passed December 13.*]

Legislative
Records of the
Council,
xxxviii., 202.
Mass.
Archives,
ccxvi., 133.

CHAPTER 558.

RESOLVE ON THE PETITION OF ROBERT PIERPOINT, COMMISSARY OF PRISONERS.

ON THE PETITION of Rob^t Pierpont Commissary of Prisoners praying that he may be Impowered to Procure a Suitable Vessel for a Cartel to go to Hallifax

Resolved that the s^d Robert Pierpont be and he hereby is Impowered to Impress some Suitable Vessel for said purpose, and to have her appraised by three Indiferent persons who are Competent Judges of the Vallue of Vessels. [*Passed December 13.*]

Legislative
Records of the
Council,
xxxviii., 202.
Mass.
Archives,
ccxvi., 135.
Mass.
Archives,
ccxvi., 136.

CHAPTER 559.

RESOLVE DIRECTING THE DELEGATES IN CONGRESS TO PROCURE APPOINTMENT OF A COMMITTEE FOR SETTLEMENT OF ACCOUNTS BETWEEN MASSACHUSETTS AND THE UNITED STATES.

Legislative
Records of the
Council,
xxxviii., 203.
Mass.
Archives,
cexvi., 138.

Resolved that the delegates Chosen to represent this state at the Hon^{bl} Continental Congress be & they hereby are directed to move in Congress for The appointment of a Committee as soon as may be to repair to Boston or Such other place in this State as may be thought Proper to audit & settle The Accounts of this state Against the United States of America. [*Passed December 13.*]

CHAPTER 560.

RESOLVE FOR RAISING GUARDS TO SERVE FOR THE TERM OF SIX MONTHS.

Legislative
Records of the
Council,
xxxviii., 204.
Mass.
Archives,
cexvi., 139.

Mass.
Archives,
cxcviii., 347.

Resolved That The Council of This State be and hereby are desired to Issue Their Orders to the proper Officers commanding the Militia in This State to detach Therefrom the same Number of Officers and Soldiers as Now Guard the several continental Stores & Magazines in said State, according to the Desire of Gen^l Heath manifested by his Letter to the Gen^l Assembly of This Date, And the Officers and Soldiers so detach^d shall be upon the Continental Establishment And that They be continued in Service for the Term of Six Months from the first Day of Jan^y next unless Sooner Discharged. [*Passed December 13.*]

CHAPTER 561.

RESOLVE FOR CONTINUING IN SERVICE THE TWO REGIMENTS DOING DUTY AT RHODE ISLAND.

Legislative
Records of the
Council,
xxxviii., 205.
Mass.
Archives,
cexvi., 140.

Mass.
Archives,
cxlvi., 104;
cexvi., 112, 121.

Resolved That it be recommended to the Two Regiments of light Infantry raised by this State and now doing Duty in the State of Rhode Island under the Command of Col^r Robinson & Keyes, whose Time of Service will expire on the first Day of January next, both Officers and Soldiers, further to engage in the Service of the State for the Term of One Year from and after the said first Day of January next unless sooner discharged & to be liable to serve in any of the four New-England Governments. And to encourage the said Officers & Soldiers to engage in the said Service, it is further

Resolved That each Officer, noncommissioned Officer and Soldier who shall engage in the said Service shall be entitled to and receive the same Rations, & Pay as the Officers & Soldiers belonging to the Continental Army And that each noncommission'd officer & Soldier who shall enlist as aforesaid (either of those already belonging to the said Regiments, or who may enlist to compleat the same) shall upon passing Muster receive a Bounty of Twelve Pounds to be paid him by the Muster Master, and upon his providing for & furnishing himself with the several Articles enumerated in the enlistment which is now agreed upon, shall over and above be entitled to receive the Sum of Twenty Shillings p^r Month for each Kalender Month he shall continue in said Service.

And it is further

Resolved that there be immediately sent to the aforesaid Colonels Robinson & Keyes a Copy of this Resolve and a sufficient Number of Inlisting Orders and Inlistments, And that a Muster Master be appointed by the Council to Muster the said Regiments & be furnished by the Council from the Public Treasury with a sufficient sum of Money to pay them their Bounty as aforesaid. And it is further

Resolved that the aforesaid Colonels be and hereby are directed to use their Endeavours not only to engage the Officers & Soldiers of said Regiments, but in Case any of such Officers shall decline engaging in the said Service; that they y^e said Colonels together with the other Field Officers of said Regiments be desired to Recommend other suitable Persons to the Hon^{ble} Council to be appointed in their Steads. And the Hon^{ble} Council are hereby impowred and requested to appoint & Commissionate the said Officers & to fill up any Vacancies of Officers which may happen upon the declining & Refusal of any of the Field or other Officers of said Regiments & such officers as shall engage in the aforesaid Regiments (in Case any considerable Part of them should engage) are directed to recruit and fill up the said Regiments as soon as possible. [*Passed December 13.*]

CHAPTER 562.

FORM OF INLISTMENT AND BEATING ORDERS FOR RAISING TWO REGIMENTS FOR THE DEFENCE OF RHODE ISLAND.

To

Gentlemen

Greeting

Legislative
Records of the
Council,
xxxviii., 206.
Mass.
Archives,
ccxvi., 142.

You are hereby Impowred Immediately to Inlest a company to consist of Eight[y] six able-bodied and effective men including noncomissioned officers and privets, as soldiers in the Sarvice of the State for the term of one year from the first Day of Jenuary Next, and to Do Sarvice in aney of the New England States and cause them to pass muster as Soon as possible.

The

Day of

AD 1777

Legislative
Records of the
Council,
xxxviii., 199,
203.

And that Said inlestments Shall be of the form following (Viz)

We the Subscribers Do Severally Inlest ourselves into the Service of the State of Massechusetts Bay to Sarve in a company, whereof _____ is captain untill the first Day of Jenuary one thousand seven Hundred & seventy Nine unless Sooner Discharged, and each of us Do Engage to furnish and carrey with us into the sarvice a good effective fire arm and Bayonet cartridge box Knapsack Blanket & kanteen or wooden bottle and when formed we engage to march to the state of Rhoad Island, or Such other place or places within the four New England states as the genral court (or in the reces of sd court) the Council of said Massechusetts state Shall order, and Do hereby oblige ourselves faithfully to obsarve and obay all such orders as We shall from time to time receive from the officers that are or shall be appointed over us and to be subject to such Regulations as are provided for the Continental army.

Dated this

Day of

1777.

Resolved That the foregoing be the Form of the Inlistment & Beating Orders for raising the two Regiments for the Defence of Rhode Island. [*Passed December 13.*]

CHAPTER 563.

RESOLVE APPOINTING A COMMITTEE TO PREPARE AN ACCOUNT OF THE DISBURSEMENTS MADE FOR THE BENEFIT OF THE UNITED STATES.

Legislative
Records of the
Council,
xxxviii., 207.
Mass.
Archives,
ccxvi., 143.

Province
Laws,
xix., 750,
chap. 735.

Resolved That George Partridge Esq^r & M^r Joseph Henderson be and they are hereby appointed a Comm^{ee} whose Business it shall be to prepare an Acc^t of the Disbursments made by this State for the Benefit of the United States of America since the 31st of December last in Order that a settlement may be made as soon as may be, and that the Board of War Receiver Gen^l Com-misary Gen^l & any Comm^{ee} who may have in their hands any Vouchers necessary to support s^d account of Disbursments be & hereby are directed to Deliver the same to the s^d Partridge & Henderson taking their Rec^t for the same which shall be a sufficient Voucher to them Respectively for the sums expressed in s^d Vouchers, and the Comm^{ee} for preparing s^d accounts are im-pow-ered to procure such Assistance as they Judge necessary. [*Passed December 13.*]

CHAPTER 564.

RESOLVE ON THE PETITION OF ANN CROSBY AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 203.
Mass.
Archives,
ccxvii., 199.

Mass.
Archives,
ccxvii., 198,
201.

ON THE PETITION of Ann Crosby and others.
Ordered That the Petitioners serve the Non Petitioners who are Heirs of Said Joseph Crosby deceased with a Copy of this Petition and this Order thereon that Cause may be shewn, if any there be, on the 1st Tuesday of the Next sitting of the General Court where-fore the Prayer of Said Petition should not be granted. [*Passed December 13.*]

CHAPTER 565.

RESOLVE SUSPENDING THE JUDGMENT AGAINST ABEL WITHERALL.

Legislative
Records of the
Council,
xxxviii., 200.
Mass.
Archives,
ccxvi., 151.

Mass.
Archives,
ccxvi., 152.

Resolved That the Judgment of the Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the Third Tuesday of April 1777 Wherein Abijah Holbrook of Wren-tham in the same County House Carpenter was plaintiff against Abel Witherall of said Wrentham Labourer, when Judgement was rendred upon default that the said Abijah Recover ag^t the said Abel the Sum of Two hundred Pounds money Damage and Costs Taxed at £0.14.11 Be and hereby is set aside, and the Justices of the said Inferiour Court are hereby authorized and Impow-er'd to proceed upon the Original Writ in the same suit, at the next Inferiour Court in the same way and manner, as tho' the said action or suit stood now continued at the Request of the said Abijah, and no Judgement had been given therein. And Whereas the said Abel is necessarily absent and may not return or legally authorize any Person Timely to make a defence in the said Suit It is therefore

Resolved that the said Triphena or such attorney as she shall, under hand & Seal Constitute, may appear and defend the same suit to final Judgm^t, Provided the said Abijah be served with a

Copy of this Resolve or the same be left at his last place of abode in Wrentham Seven Days at least before the sitting of the said Inferiour Court. [*Passed December 15.*¹]

CHAPTER 566.

RESOLVE ALLOWING AN ADDITIONAL BOUNTY TO MEN THAT ENLIST IN COL^O CRAFTS' ARTILLERY REGIMENT.

Resolved that there be allowed and paid out of the Puonick Treasury of this State unto each non-comissioned Officer & Private Soldier enlisted in the Regiment whereof 'Thomas Crafts Esq' is Colonel the Sum of Fifteen Pounds as a Bounty in Addition to the Encouragement already given, said Sum to be paid in a Treasury Note for the said Sum of Fifteen Pounds, with Interest at Six per Cent. p^r Annum to be paid Annually & further

Legislative
Records of the
Council,
xxxviii., 204.
Mass.
Archives,
ccxvi., 146.

Mass.
Archives,
ccxvi., 146-
148.

Resolved that the same Bounty and Encouragement be given to each non Commissiond Officer & Private Soldier, who shall enlist into the Service of this State in the said Regiment for the Term for which said Regiment is Engaged, provided they enlist on or before the first Day of march Next to be paid upon his passing Muster. The several Sums paid in said Treasurers Notes to be consider'd as Part of the Sum of Fifty Thousand Pounds directed by this Court to be borrowed by the Treasurer for the Supply of the Treasury. [*Passed December 15.*¹]

CHAPTER 567.

RESOLVE DIRECTING THE COMMITTEE APPOINTED TO PROCURE BLANKETS TO SETTLE THEIR ACCOUNTS.

Resolved That the Committees appointed to procure Blanketts in the severall Countys of this State be, & they are hereby directed to settle their Accounts with the Selectmen in Whose Hands they have deposited Sums of Money for the above purpose, & said Committee shall be allowed a reasonable Reward for their time & Trouble in doing said Business when they make a finall Settlement for the Monies they have taken out of the Treasury. [*Passed December 15.*]

Legislative
Records of the
Council,
xxxviii., 208.
Mass.
Archives,
ccxvi., 145.

Province
Laws, xix.,
767, chap. 775.

CHAPTER 568.

RESOLVE AUTHORIZING JUDGES OF PROBATE TO APPOINT PERSONS TO PROSECUTE SUCH AS MAKE STRIP AND WASTE ON REAL ESTATE OF ABSENTEES.

IT BEING MADE to appear to this Court that great Strip and waste has been made on some of the real Estates of Persons, or the Heirs of Persons who have fled to our Enemies for protection which Estates lie in this Government but no Agents have yet been appointed to take care of the same therefore

Legislative
Records of the
Council,
xxxviii., 208.
Mass.
Archives,
ccxvi., 157.

Resolved That the Judges of Probate in the several Counties in this State be and they are hereby Authorised & directed to appoint some person or persons of Prudence and Ability (where Agents are not already appointed) for the special purpose of prosecuting any Person or persons who have been or may here-

Mass.
Archives,
ccxvii., 158.
Province
Laws, v., 629,
chap. 38.

¹ This date is December 13 according to Legislative Records of the Council.

after be guilty of Such Offences, & the Person or Persons so appointed Shall have as full and Ample Power & Authority to prosecute & persue all such wrong Doers to final Judgment & Execution as any Agent could have had, if appointed by the Judge of Probate in persuance of an Act intituled, an Act to prevent y^e Waste Destruction & Embezzlement of the Goods or Estates of such Persons who have left the same & have fled to our Enemies for Protection &c & the Person or Persons so appointed shall be accountable to the Judge of Probate who appointed them. [*Passed December 15.*]

CHAPTER 569.

RESOLVE ON LETTER OF GEN^L HEATH RESPECTING THE COMMITTEE OF CORRESPONDENCE AND SELECTMEN OF WATERTOWN.

Legislative
Records of the
Council,
xxxviii., 208.
Mass.
Archives,
ccxvi., 159.

THE COMMITTEE of both Houses on the Letter signed W Heath dated Dec^r 15 1777 having considered the same, report following Resolve which is Submitted

W SEVER p^r ord^r

Mass.
Archives,
cxviii., 351.

Resolved that the Selectmen & Committee of Correspondence of the Town of Watertown be by the Secretary of this State Served with an Attested Copy of a Letter signed W Heath, dated Dec^r 15 1777 & addressed to the Gen^L Assembly of this State, & that they or the major part of them be & hereby are directed, to attend the Council of this State on Wednesday the 17th day of Decem^{br} inss^t at eleven oClock in the forenoon & answer to the matters alledged against them in Sd Letter And the Council are desired & Impowered to take such further orders, respecting the Sd Selectmen & Committee as they Shall think proper.

In the House of Representatives

Read & accepted.

In Council

Read & concurred. [*Passed December 15.*]

CHAPTER 570.

RESOLVE IMPOWERING RISHWORTH JORDAN, ESQ^R, TO PROSECUTE ANY PERSONS THAT HAVE COMMITTED TRESPASS ON COOK'S LOT, ADJOINING SAGO RIVER.

Legislative
Records of the
Council,
xxxviii., 209.
Mass.
Archives,
ccxvi., 160.

WHEREAS there is a Tract of Land, of about three mile square commonly called Cooks Lott adjoining Saco River without the bounds of any Town, upon which there are many Valuable White Pine masts, a considerable part of which Lott of Land belonged to Sir William Pepperrell one of the late mandamus Councillors who is absent from this State, in Which Lot or Tract of Land Rishworth Jordan Esq^r of Biddeford is Interested and as tis Said that Some persons have made Strip and Waste thereon and are again preparing to carry off the Pine Masts afores^d by cutting them for mill logs the ensuing Winter, and no person having been appointed an agent to S^d Pepperrell Therefore to prevent any further destruction of said Timber and that such as have already destroyed the same may be Speedily called upon to make compensation therefor It is

Resolved that the Said Rishworth Jordan Esq^r in his own Name for himself and the other owners thereof be and hereby is fully authorized and Impowrd, to prosecute and pursue Actions of

Tresspass to final Judgment & Execⁿ against any persons that have committed Tresspass thereon since January 1775 or that hereafter may commit Tresspass on S^d Land, he to account with the Judge of Probate for York County for the said Pepperrells proportion of such Damages as may be Recov^d & to pay the same in the manner agents are directed by Law to Do any Resolve to the contrary notwithstanding. [*Passed December 15.*]

CHAPTER 571.

RESOLVE ALLOWING PAYMENT FOR SERVICE OF CAPT. SAMUEL WHITMORE'S COMPANY AT FALMOUTH, MAINE.

ON THE PETITION of Cap^t Samuel Whitmore of Gorham in the County of Cumberland praying for allowances for Services Done on the Batteries in Falmouth in Said County by him Selfe and men under his Command

Legislative
Records of the
Council,
xxxviii., 210.
Mass.
Archives,
ccxvi., 162.

Resolved that there be paid out of the Treasure of this State for their Services afors^d to the Cap^t Eight shillings pr Day Left five Shillings per Day Non Commission officers three Shillings and Six pence per Day Privets three Shillings per Day in full for there Service and Rations, and the Committe on musterolls are Directed to examine and allow the Roll for such Service when presented, Agreeable to this Establishment. [*Passed December 15.*]

Mass.
Archives,
ccxvi., 163.

CHAPTER 572.

RESOLVE ON THE PETITION OF LIEUT. SAMUEL MARSH.

ON THE PETITION of L^t Sam^l Marsh praying that the Bounty due to three inlisted men may be paid into his hands

Legislative
Records of the
Council,
xxxviii., 211.
Mass.
Archives,
ccxvi., 164.

Resolved that Col^o Nat^l Barber be & he is hereby directed to pay in to the hands of y^e s^d Marsh for the use of John Trumbull Abel Anthony & Sam^l Howard, who are said to be inlisted into the Continental Service during the War, y^e Bounty granted by this State to such Soldiers s^d Marsh producing Sufficient Vouchers that they are so inlisted. [*Passed December 15.*]

Mass.
Archives,
ccxvi., 165.

CHAPTER 573.

RESOLVE ON THE PETITION OF CAPT. SIMEON SAMPSON AND OTHERS.

THE COMMITTEE on the Petition of Simion Sampson Charles Dyer & others report by way of Resolve

Legislative
Records of the
Council,
xxxviii., 211.
Mass.
Archives,
ccxvi., 167.

Resolved that the Board of War Deliver to Cap^t Simion Sampson Lef^t Charles Dyer, John Otis Zadock Churchill Sam^l Doten Laban Lindes Seth Doten Seth House Nath^l Crosby Laben Stodder Peter Wilder, Hez^h Ripley Eph^m Wilder Jn^o Pain Yeats Nickerson Nath^l Weir Josiah Linnell John Cole Josiah Higgins Cushing Horton Isaac Cole Dan^l Myrrick Dennis Collings, to Each of them a Gun or Firelock to Replace those Lost by them In the Capture of the Brig^t Independance.

Mass.
Archives,
clxxxiii., 302,
303.

In the House of Representatives

Read & Accepted.

In Council

Read & Concurred. [*Passed December 15.*]

CHAPTER 574.

RESOLVE VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS OF THE GENERAL COURT.

Legislative
Records of the
Council,
xxxviii., 212.
Mass.
Archives,
ccxvi., 170.

Mass.
Archives,
ccxvi., 161, 172.

WHEREAS it may be of public Utility that until the next sitting of the General Court certain Powers should be vested in the Council other than those with which they are ordinarily Cloathed, therefore

Resolved That the Honorable Council until the next sitting of the General Court be and hereby are fully Authorized and impowered to Nominate and Appoint, as occasion may require, such Comission Officers in any of the Land forces Armed Vessels or Vessels of War in the Service and pay of this State and also in the Militia, whose places by death or otherwise are vacant, as to them shall appear necessary and put them under the Command of such Officer or Officers as they shall judge proper.

And it is

Resolved that the Council be and hereby are also impowered and Authorized to treat with any Indians that may Arrive in this State and make such provision for them as they may judge proper.

And it is

Resolved That the Major part of the Council shall have full power and Authority to examine allow and pass upon the pay rolls of the Sea Coast Men and their Commissary's Accounts and also of the pay rolls of the Militia who have been in Service, any Act or Resolve to the contrary notwithstanding.

Also

Resolved that, until the next sitting of the General Court, any seven of the Council be and hereby are impowered to Issue and Sign any Warrants and such Warrants and any other thing Transacted by sev[en] of said Council be and hereby is declared to all inte[nts] and purposes as valid as if the same had been Signed or Transacted by fifteen of said Council.

And it is further

Resolved that in Case Gen^l Washington Should, during the recess of this Court, write to this State desiring to be furnished with two or three Thousand men As a reinforcement to his Army that the Council be and hereby are Impowered to draft such a number of officers & men from the militia of this State (not exceeding Three Thousand men) as they Shall Judge the Circumstances of this State will admit of for such a term of time not exceeding four months from y^e time of their marching as they shall think the Public Safety requires & to offer them such Encouragement as they Shall think reasonable and they are hereby further to draw upon the Public Treasury for money sufficient for such Purpose and the Treasurer is hereby directed & Impowere to pay such Drafts

Also

Resolved That the Honble Council be and they hereby are impowered to convene the Great and General Court or Assembly at any earlier Day than that to which it shall next be Adjourned or prorogued if they shall judge the Public Service requires it.
[Passed December 15.]

CHAPTER 575.

RESOLVE DIRECTING THE BOARD OF WAR TO MAKE SALE OF ALL SUCH ARTICLES AS CAN BE SPARED.

Resolved That the Board of War be & they are hereby directed to make immediate Sale at the Current price of all such Articles as can in their Judgement, be spared from the Stores now in their Possession and that they pay the Proceeds of such Sales into the Treasury of this State without Delay, taking duplicate Receipts for the Sums so paid, one of which they are directed to deposit in the Secretarys office. [*Passed December 15.*]

Legislative
Records of the
Council,
xxxviii., 213.
Mass.
Archives,
ccxvi., 173.

CHAPTER 576.

RESOLVE IMPOWERING THE TOWN OF BOSTON TO CHOOSE ADDITIONAL ASSESSORS.

UPON THE PETITION of the Town of Boston, praying for leave to chuse five Assessors in addition to the Number they now have, & that the Number in future to be chosen by them at their annual Meetings in March be twelve if they judge necessary

Resolved That the Town of Boston be, and they hereby are empowered, at a legal Meeting for that purpose called, to chuse five Persons in addition to those already chosen, to serve for said Town in the Office of Assessors 'till March next, And that they then, & in future at their Annual Meetings in March, be empowered to chuse twelve meet Persons, if they see cause, to serve as Assessors for said Town the Year ensuing. [*Passed December 15.*]

Legislative
Records of the
Council,
xxxviii., 214.
Mass.
Archives,
ccxvi., 174.

Mass.
Archives,
ccxvi., 175.

CHAPTER 577.

RESOLVE APPOINTING A COMMITTEE TO ASSIST THE TREASURER IN FILLING THE LOAN OF £50,000.

In the House of Representatives

Resolved That Caleb Davis & M^r Ellis Gray be and they are hereby appointed (with such as the Hon^{le} Board shall join) a Com^{ee} to Assist the Treasurer of this State in filling the Loan of fifty thousand pounds agreeable to an Act of this Court at their last Session.

In Council

Read & Concurred and Moses Gill Esq. is joined. [*Passed December 15.*]

Legislative
Records of the
Council,
xxxviii., 215.
Mass.
Archives,
ccxvi., 177.

Province Laws,
v., 740, chap.
12; 829, note.

CHAPTER 578.

RESOLVE ON THE PETITION OF NEHEMIAH SOMES AND OTHERS, AGENTS FOR THE SCHOONERS SPEEDWELL AND ACTIVE.

ON THE PETITION of Nehemiah Somes & others, agents for the private armed Schooners Speedwell and Active, praying that so many of the Cannon [rem]aining¹ & belonging to the Prize Ship

Legislative
Records of the
Council,
xxxviii., 215.

¹ Text inserted from Legislative Records of the Council.

Mass.
Archives.
ccxvi., 150.

Johnson as shall be equal to the four six poun[ders taken]¹ from said Prize Ship, for the use of [the Brig]¹ Hazard, by Order of this Court, be [delivered to said]¹ Agents, for the use of their Constituents.¹

Resolved that the prayer of said [Petition be]¹ so far granted as that the Board of War be directed to deliver to said agents the two remaining Six Pounders; to gether with Such and so many of the four Pounders & other Guns taken in the Ship Johnson, as appears to be their Proportion agreeable to the Decree of the Maritime Court. [*Passed December 15.*]

CHAPTER 579.

RESOLVE ON THE PETITION OF ENOCH GLOVER AND ENOCH GLOVER, JUN^R.

Legislative
Records of the
Council,
xxxviii., 211.
Mass.
Archives,
ccxvi., 168.

ON THE PETITION of Enoch Glover and Enoch Glover Jun^r Praying for Relief in two Actions against one Seth Sumner which were to have been considered on the July Term AD 1775 In the County of Suffolk which were dismissed as Sett forth in said Petition

Mass.
Archives.
ccxvi., 169.

Resolved that the Prayer of the Petition be so far Granted that the said Enoch Glover & Enoch Glover Ju^r Serve the said Seth Sumner with a Copy of the within Petition and this order thereon, that he may Shew cause if any he have on the Second Tuesday of the next Sitting of the General Court why the prayer thereof Should not be Granted. [*Passed December 15.*]

CHAPTER 580.

RESOLVE ON PETITION OF INHABITANTS OF WEST SPRINGFIELD.

Legislative
Records of the
Council,
xxxviii., 209.

ON THE PETITION of a number of the Inhabitants of West-Springfield, of which the Rev^d M^r M^cKinstry is Pastor, praying that they may be Incorporated into a distinct Parish, which was presented at the last Sitting.

Resolved That the said Petitioners notify the said Parish to shew Cause, if any they have, on the third Wednesday of the next Sitting of this Court, why the Prayer of the Petitioners should not be granted, by leaving a Copy of said Petition together with a Copy of this Resolve with the Clerk of said Parish at least fifteen Days before the said third Wednesday of the next Sitting of this Court. [*Passed December 15.*]

¹ Text inserted from Legislative Records of the Council.

RESOLVES, ORDERS, VOTES ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SEVENTH DAY OF JANUARY, A.D. 1778.

CHAPTER 581.

ORDER APPOINTING A COMMITTEE TO TAKE INTO CONSIDERATION A RESOLUTION OF CONGRESS.

In the House of Representatives

Ordered that M^r Gray, M^r Wetmore & M^r Sumner, with such as the Hon Board shall join be a Committee to take into consideration a Resolution of Congress recommending to the Legislatures of the several States from New Hampshire to Delaware inclusively to appoint Commissioners to convene at New Haven in Connecticut on the 15th January current, in order to regulate and ascertain the price of Labour, manufactures &c: & report what is proper to be done

Legislative
Records of the
Council,
xxxviii., 219.
Mass.
Archives,
cexvi., 219.

In Council Read & Concurr'd & Walter Spooner and Daniel Hopkin Esqrs are joyn'd to the Committee of the Hon House.
[Passed January 8.]

CHAPTER 582.

ORDER APPOINTING A COMMITTEE TO REPORT CONCERNING MEN DETACHED FOR A SECRET EXPEDITION BUT ASSIGNED FOR DUTY AT BOSTON.

In Council

Ordered That Daniel Hopkins Esq with such as the Hon^{ble} House shall appoint be a Committee to take under Consideration the Resolution of the General Court Sep^r 20 last, respecting a Detachment from the Boston Reg^t on a Secret Expedition for 30 Days being annexed to Col^o Crafts Reg^t of Artillery & to do Duty in Boston and to report whether they are by Said Resolve intituled to the Bounty engaged to be given to those who went upon Said Expedition

Legislative
Records of the
Council,
xxxviii., 219.
Mass.
Archives,
cexvi., 186.

In the House of Representatives

Read & concurr'd & Doct Dunsmore & M^r Crane are joined.
[Passed January 8.]

CHAPTER 583.

ORDER APPOINTING A COMMITTEE ON REGULATIONS RESPECTING THE EMBARKATION OF GEN. BURGOYNE'S TROOPS.

In the House of Representatives

Ordered that Capt Hosmer M^r Wetmore, Coll Porter & Coll Hutchinson with such as the Hon Board shall join, be a Committee to consider what regulations are proper to be made with re-

Legislative
Records of the
Council,
xxxviii., 220.

Mass.
Archives,
ccxvi., 187.

spect to the Embarcation of the Troops late under the command of Gen. Burgoyne & report

In Council Read and Concurred and Benj^a Greenleaf Walter Spooner & Benj^a Austin Esq^{rs} are joined. [*Passed January 8.*]

CHAPTER 584.

REPORT RECOMMENDING APPOINTMENT OF COMMISSIONERS TO MEET IN CONVENTION AT NEW HAVEN.

Legislative
Records of the
Council,
xxxviii., 220.
Mass.
Archives,
ccxvi., 219.

Legislative
Records of the
Council,
xxxviii., 219,
222, 225.

THE COMMITTEE of both houses appointed to take into Consideration a Resolution of Congress above mentioned and report what is proper to be done, have attended that service and beg leave to Report as their opinion, that three Gentⁿ be now appointed by this Court to meet in Convention at New Haven agreeable to s^d Resolution of Congress, & that they be instructed by this Court when Chosen — which is submitted

W SPOONER by order

In Council
Read & Accepted
Sent down for Concurrence
In the House of Representatives
Read & Concurr'd. [*Passed January 9.*]

CHAPTER 585.

RESOLVE PERMITTING DOCT^r BENJAMIN CHURCH TO GO TO MARTINICO.

Legislative
Records of the
Council,
xxxviii., 221.
Mass.
Archives,
ccxvi., 218.

Mass.
Archives,
ccxvi., 217.

Resolved That Doct^r Benjamin Church be & he hereby is permitted to take Passage on board the Sloop Welcome Capt. James Smitharick Master bound for the Island of Martinico; And the Maj^r Part of the Council are desired to give Order to the Sherrieff of the County of Suffolk to remove the said Doct^r Church on board the said Sloop, when she is ready for Sailing, directing him to search his Person & Baggage to prevent his carrying any Letters or other papers that may be to the detriment of the American States; And the s^d Church is not to return to this State during the Continuance of the present War without Leave therefor first had & obtain'd from the General Court, under such pains & penalties as they shall see fit to order. [*Passed January 9.*]

CHAPTER 586.

RESOLVE ON THE PETITION OF MARY KING.

Legislative
Records of the
Council,
xxxviii., 221
Mass.
Archives,
ccxvi., 220, 222.

Mass.
Archives,
ccxvi., 220-231.

Resolved That the Justices of the Superior Court of Judicature &c. are hereby impowered to accept the Report of the Referrees in the Case mentioned in said Petition, at the Court, to be holden by said Justices at Boston, within & for the County of Suffolk, on the third Tuesday of February next; and to enter up Judgment upon said Report, as fully and effectually, as if the s^d Mary had come into Court, at Falmouth, in due season, & taken upon her, the prosecution of s^d Case, and the s^d Report had been then made, and the said Miliken duly notified thereof.

Provided that the said Mary shall serve the s^d Edward Miliken

in person with, or leave an attested Copy of this Resolve, and her said Petition, at his usual place of abode fourteen days before the sitting of said Superior Court at Boston. [*Passed January 9.*]

CHAPTER 587.

VOTE ON REPORT RELATIVE TO ENLISTMENT OF MEN BELONGING TO BURGOYNE'S ARMY.

THE COMMITTEE of both Houses to whom was referred General Heaths Letter of the 5th Instant, and a Letter of Sergeant Kensh have attended that Service and Considered the Subject Matter of each of said Letters, & upon Examining the said Kensh and one Sergeant Lindzey from on board the Guard Ship, your Committee are of Opinion that there is many of General Burgoyne's Troops Inlisted into the American Army and that in Violation of an Order of Congress, and that it is Highly probable that there are many of said Troops that are now lurking in this Town for no good purposes and that it is the duty of this Court to See that Proper care be taken to find out all evil disposed persons and prevent them from having it in their power to Injure us. Wherefore it is the Opinion of your Committee that there should be a General Search through this Town where such Evil minded Persons may likely be harboured On Saturday next at 11 °Clock by the Peace Officers Selectmen & Overseers of the Poor of this Town, and that the Militia of this Town be directed to give their Assistance to them, If Called for and that all Persons whom they may find which cannot give a good Account of themselves be immediately Carried to the Work House and their continued 'till the further Order of this Court & that Col^o Jabez Hatch be directed to place a Guard at Charlestown & Winisimet Ferry & at the Fortification during the time of making the Search afores^d to prevent any Suspected Persons mak^g their Escape And that General Heath be desired to have all his Troops now in this Town paraded at the same time, and a return made of all the Men the Recruiting Officers have Inlisted Since the first day of November last to this Time mentioning their Names, and the Towns they respectively belong to, and what Towns they Inlisted for, what bounties were paid to each Soldier as a Town bounty, and by whom Paid, and what bounty Each Recruiting Officer Received of the Several Towns he Inlisted Soldiers for Each Soldier he so Inlisted for them.

In Council

Read & Accepted

In the House of Representatives

Read & concurred. [*Passed January 9.*]

Legislative
Records of the
Council,
xxxviii., 222.
Mass.
Archives,
ccxvi., 233.
Mass.
Archives,
cxviii., 387,
387b; ccxvi.,
234, 235.

CHAPTER 588.

RESOLVE ON THE PETITION OF THOMAS EDWARDS.

UPON THE PETITION of Tho^s Edwards now a Prisoner in Boston Goal praying for Leave to depart this State

Resolved, that the s^d Thomas Edwards be & he hereby is permitted to depart this State in the first Cartel for Halifax, Newport or New York & to take his Wife & Children with him. [*Passed January 9.*]

Legislative
Records of the
Council,
xxxviii., 223.
Mass.
Archives,
cliv., 237.
Mass.
Archives,
cliv., 235.

CHAPTER 589.

VOTE ON REPORT OF COMMITTEE ON THE PETITION OF BRIG. GEN^L
JOSEPH PALMER REQUESTING A HEARING.

Mass.
Archives,
ccxvi., 216.

Mass.
Archives,
ccxvi., 215.
Legislative
Records of the
Council,
xxxviii., 218.

ON THE PETITION of Joseph Palmer

In the House of Representatives

Read & thereupon

Ordered That Coll Porter Coll Prescott & Coll Little with such as the Hon Board shall join be a Committee to consider the same & report.

In Council Read & Concurr'd &

Ordered that Jedidiah Prebble & Abr^a Fuller Esq^{rs} are joined

The Committee abovementioned having considered the foregoing Petition are Unanimously of Opinion that the Steps already taken by the Gen^L Court & above referred to, are proper and most conformable to the Rules & Regulations established by Law for such Purposes & that such Trial will give the Petitioner as fair an Opportunity of vindicating his Innocence, as a Hearing upon the Floor of the House, & therefore Report that the Petitioner have leave to withdraw his Petition.

In Council

Read & accepted

In the House of Representatives

Read and concurred. [*Passed January 9.*]

CHAPTER 590.

VOTE RESPECT^G THE BOUNTY PROMISED TO THOSE WHO WENT
ON A SECRET EXPEDITION.

Legislative
Records of the
Council,
xxxviii., 224.
Mass.
Archives,
ccxvi., 236.

Legislative
Records of the
Council,
xxxviii., 219.

THE COM^{RE} of both Houses, appointed to consider the Resolutions of the General Court respecting a Detachment from the Boston Reg^t on a secret Expedition and whether that part of the s^d Detachment who were order^d to Duty on the Boston Station, are intitled to the Bounty promised to those who should go on the s^d Expedition report, as their Opinion, that the s^d Detachment, who were order^d to Duty on the Boston Station, are not by the s^d Resolves intitled to the s^d Bounty.

In Council

Read & Accepted

Sent down for Concurrence

In the House of Representatives

Read & concurred. [*Passed January 10.*¹]

CHAPTER 591.

RESOLVE RELATING TO THE EMBARKATION OF BURGOYNE'S
TROOPS.

Legislative
Records of the
Council,
xxxviii., 225.
Mass.
Archives,
ccxvi., 237.

THE COMMITTEE of both Houses appointed to consider what Regulations are proper to be made with respect to the embarkation of the Troops late under the Command of General Burgoyne, and also to consider a Letter from General Heath take leave to report the following Resolve

B. GREENLEAF per order.

¹ This date is January 9 according to Legislative Records of the Council.

Resolved that the Major part of the Council be desired to issue their Orders to the Colonels Hatch M^cIntosh Gill Cushing Thayer Thacher Brooks & Fox to hold their respective Regiments in readiness to march on the shortest Notice well equipd as the Law directs and with six days provision, And that the major part of the Council require those Regiments or such part or parts of them as may be necessary to march at such times & to such places as they may judge proper, to prevent those Troops or any others of the British Army or Navy who may arrive here committing Outrages while they may continue within the Limits of this State and to see that General Burgoyne & his Troops are embark'd in a regular & orderly manner; and that they be receivd at Charlestown in suitable Vessells or Boats and thence carried directly on board the Transports in Nantasket Road when they shall be there in readiness to receive them And that the Militia so calld out be put under the Command of Major-General Heath & be subject to such Orders as they from time to time shall receive from him, And that the British Ships & Transports when they arrive for the reception of the Troops be stationd agreeably to an Order of Council of Dec^r 13, which is herewith exhibited and that all the Regulations therein express'd be duly observd.

Mass.
Archives,
clxiv., 25;
ccxvi., 187.
Legislative
Records of the
Council,
xxxviii., 220.

In Council

Read & Accepted

In the House of Representatives

Read & concurred. [*Passed January 10.*]

CHAPTER 592.

RESOLVE IMPOWERING THE TREASURER TO RECEIVE BILLS OF CREDIT FROM SHERIFFS, CONSTABLES AND COLLECTORS OF TAXES.

WHEREAS it is represented to this Court that several Sheriffs in this State are possess'd of considerable Sums of Bills of Credit emitted by this State, which they receiv'd from delinquent Constables & Collectors upon Executions awarded against them, which was receivd on or before the first Day of December last past, & which they were not able to pay into the Treasury by the said first Day of December, & no Provision is made to empower the Treasurer to receive said Sums in discharge of said Executions.

Therefore

Resolved That the Treasurer of this State be & he hereby is impowered and directed to receive of the Several Sheriffs within this State or their respective Deputys, all such Sums of Bills of Credit emitted by this State which they have received from any Constable Collector or other Person by Vertue of any Execution issued from the Treasurers Office, provided the said Sheriff or Deputy Sheriff shall pay the same into the said Treasurers Office on or before the first Day of April next, & shall make Oath that such Sum by him offerd to be paid in as aforesaid was Bona Fide received in Discharge of such Execution, & was receiv'd on or before the first Day of December last past, any Law or Resolve to the Contrary notwithstanding. And Whereas some Constables & Collectors in the distant Parts of this State for want of timely Intelligence & Notice of the Act for calling in the Bills of Credit emitted by this State, have received divers Sums thereof in Discharge of Taxes after the said first Day of December. Therefore

Legislative
Records of the
Council,
xxxviii., 226.
Mass.
Archives,
ccxvi., 243.

Province Laws,
v., 821, note.

Resolved That the Treasurer of this State be and he hereby is further impower'd and directed to receive from any Constables

and Collectors such Sums of Bills of Credit emitted by this State which they received for Taxes after the said first Day of December last, provided such Constable or Collector shall make oath that the same was received before he was inform'd of the Time limited for receiving the same for Taxes, & provided the same be paid into the Treasury on or before the first Day of April next any Law or Resolve to the Contrary Notwithstanding. [*Passed January 12.*]

CHAPTER 593.

RESOLVE ON THE PETITION OF NATHANIEL PREBBLE AND OTHERS.

Legislative
Records of the
Council,
xxviii., 227.
Mass.
Archives,
ccxvi., 241.

UPON THE PETITION of Nath^l Prebble & others a Committee of Frenchmans Bay praying for some Assistance under their Misfortunes.

Resolved That the Board of Warr be and they are hereby directed to order Thirty barrells Beef & Five Teirces of Rice to be deliver'd to Nathaniel Prebble & others a Committee from Frenchmans Bay for the Use of the Inhabitants of said place, the said Prebble & others giving their Obligation to the Board of Warr to deliver to them or their order Wood or Lumber as y^e s^d Board may chuse at y^e Market price, in pay for the above Provisions, on or before the last Day of April next. [*Passed January 12.*]

CHAPTER 594.

RESOLVE IMPOWERING BETSY JOHNSON, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 228.
Mass.
Archives,
ccxvi., 239.

ON THE PETITION of Betsy Johnson Administratrix on the Estate of y^e Rev^d Daniel Johnson late of Harvard dec^{ed}

Resolved That the Prayer of the Petition be granted and that the Petitioner be and She hereby is Impowered to make Sale of all the Real Estate therein mentioned for the most it will fetch, and make and Execute a Good Deed or Deeds to the Purchaser or Purchasers, She Observing the Rules and Directions of the Law Relating to the Sale of Real Estates by Executors and Administrators and Giving Bond to the Judge of Probate for the County of Worcester that the Proceeds Arising by Such Sale, Shall be Applied for the Benefit of the Heirs at Law of the Deceased in the Same Proportion as tho the Same had Not been Sold &c. [*Passed January 12.*]

CHAPTER 595.

RESOLVE DISCHARGING MAJOR GEN^l HANCOCK FROM THE DUTY ENJOINED BY RESOLVE OF NOVEMBER 29, 1777.

Legislative
Records of the
Council,
xxxviii., 228.
Mass.
Archives,
ccxvi., 240.

WHEREAS on the 29: Day of November, 1777 this House pass'd a Resolve directing the Hon^{ble} Major General Hancock to order & appoint a general Court Martial to try Joseph Palmer Esq, who was appointed & acted as a Brigadier General of the Militia of this State in the late intended Expedition against the Enemy at Rhode-Island; and who is accused of Disobedience to General Spencers Orders of the ninth & fifteenth of October last &c^a

And Whereas it appears to this Court that the Honorable the

Continental Congress have taken up the Matter, & on the 12: day of December 1777 Resolved, that five Commissioners be appointed, & that they or any three of them be empowered to conduct the Enquiry into the Causes of the Failure of the Expedition against Rhode Island & into the Conduct of the General Officers conducting said Expedition &c^a, by which Resolve of Congress the ordering & appointing the general Court Martial above mentioned is rendered unnecessary Therefore

Resolved that Major General Hancock be, and he is hereby discharged from the Duty enjoined him in Consequence of the Resolution of this Court of November 29th last, referred to as above. [*Passed January 12.*]

CHAPTER 596.

RESOLVE ALLOWING £150 TO THE COMMISSIONERS APPOINTED TO MEET IN CONVENTION AT NEW HAVEN.

Resolved that there be advanced & paid out of the Treasury of this State the Sum of one hundred & fifty pounds to the commissioners appointed by this Court to meet at New-Haven with like commissioners who may be appointed by other States to consult on such Matters as are recommended by the late Resolutions of the Hon^{ble} Congress to be there considered And that said Commissioners lay before this Court, as soon after their having finished the business assigned them as may be, their account of the sum or sums by them expended in accomplishing said Business, in order that they may be discharged thereof and have a resonable allowance made them for the services they shall have performed. [*Passed January 12.*]

Legislative
Records of the
Council,
xxxviii., 229
Mass.
Archives,
ccxvi., 242.

Legislative
Records of the
Council,
xxxviii., 222,
225.

CHAPTER 597.

RESOLVE ON THE PETITION OF INHABITANTS OF WEST SPRINGFIELD.

WHEREAS on the Petition of a number of the Inhabitants of West Springfield of which the Rev^d M^r Mackinstry is Pastor, Praying that they may be incorporated into a distinct Parish, which was presented to this Court in September last past; there have been two Orders that the Parish aforesaid should be notified to shew Cause, if any they have, why the prayer thereof should not be granted; both of which Orders have failed of being executed. Therefore

Resolved That the said Petitioners notify the said Parish to shew Cause, if any they have, on Tuesday the Tenth Day of February next if this Court should then be sitting, otherwise on the second Wednesday of the next sitting of this Court, why the prayer of the Petitioners should not be granted, by leaving a Copy of said Petition together with a Copy of this Resolve, at least fifteen Days before the said Tenth of February next, with the Clerk of said Parish. [*Passed January 12.*]

Legislative
Records of the
Council,
xxxviii., 227.

CHAPTER 598.

VOTE GIVING INSTRUCTIONS TO THE COMMISS^{rs} APPOINTED TO MEET AT NEW HAVEN.

Legislative
Records of the
Council,
xxxviii., 230.
Mass.
Archives,
cxlii., 121-123.

THE COMMITTEE of both Houses take leave to report the draft of Instructions to the Gentlemen appointed to meet Commissioners at New Haven agreeable to a late Resolution of Congress, herewith exhibited

B. GREENLEAF *p* Order

To the Hon^l Thomas Cushing Robert Treat Paine & Elisha Porter Esquires
Gentlemen

Reposing special Trust & Confidence in your Wisdom, Prudence & Fidelity, We have in pursuance of a Resolve of The Hon^e Continental Congress passd the 22^d of Nov^r last appointed you Commissioners, And do accordingly authorize you or any two of you to meet the Commissioners from the States of New Hampshire Rhode Island & Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania & Delaware, at New Haven on the 15th day of this Instant January, and with them or a majority of them deliberate upon and devise the most prudent & effectual measures possible for the promoting those valuable purposes. mentioned by the Hon^e Congress and which not only they but all good men most earnestly desire, namely, that our Army may be furnishd with suitable Cloathing & other Necessaries, and have the satisfaction of feeling that full Justice is done to them & their families, from whence we may hope for the most happy Consequences; That all monopolisers, Oppressors, Sharpers, Forestallers & Extortioners may be discountenanced & suppress'd, that so it may no longer be in their power to distress the Public or destroy a great part of the Individuals that compose it.

And you will carefully attend to everything that may have a Tendency to promote the Wellfare & happiness of the whole & of every part of the Community, which from the nature of your Appointment is proper for your Consideration You will make return of your doings as soon as it can be done with Conveniency.

In Council

Read & accepted

In the House of Representatives

Read & concurred. [*Passed January 13.*]

CHAPTER 599.

APPOINTMENT OF JACOB DAVIS AS LIEUT. COLONEL AND TIMOTHY NEWELL AS 1ST MAJOR OF THE 5TH WORCESTER COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 230.
Mass.
Archives,
ccxvi., 218.

In the House of Representatives

The House made choice by ballot, of Jacob Davis as Lieut Colonel & Timothy Newell first major of the fifth Regiment of militia, in the County of Worcester.

In Council

Read & Concurred. [*Passed January 13.*]

CHAPTER 600.

APPOINTMENT OF NATHANIEL HEALY AS 2^D MAJOR OF THE 5TH WORCESTER COUNTY REGIMENT.

In the House of Representatives.

The House made choice by ballot, of Nathaniel Healy as second Major of the fifth Regiment of Militia in the County of Worcester in the room of Timothy Newell elected first Major.

In Council

Read & Concurred. [*Passed January 13.*]

Legislative
Records of the
Council,
xxxviii., 231.
Mass.
Archives,
ccxvi., 260.

CHAPTER 601.

RESOLVE ON THE PETITION OF WILLIAM BLAIR TOWNSEND.

UPON THE PETITION of William Blair Townshend praying Allowance of Six ¢ Cent. Interest on a Note signed by the late Treasurer Gray &c

Resolved That Henry Gardner Esq^r Treasurer of this State be & he hereby is directed to pay to William Blair Townshend in Behalf of his Children One Years Interest at Six ¢ Cent on a Note given by Harrison Gray, late Treasurer, to Mary Hubbard the ninth Day of August 1773 for five hundred pounds payable only with five ¢ Cent Interest. [*Passed January 13.*]

Legislative
Records of the
Council,
xxxviii., 231.
Mass.
Archives,
ccxvi., 249.
Mass.
Archives,
ccxvi., 250.
Province Laws,
xix., 640, chap.
484.

CHAPTER 602.

RESOLVE ON THE PETITION OF DOCT^R JOSEPH GARDINER.

UPON THE PETITION of D^r Joseph Gardiner praying that he may have the Manufactory House in this Town for an Hospital for Col^o Craft's Reg^t

Resolved that the Petitioner be & he hereby is impower'd to procure upon the most reasonable Terms a proper House for an Hospital for Col^o Craft's Reg^t & that the Commissary General be & he hereby is directed to make suitable Supplies of Provision & other necessities for s^d Hospital. [*Passed January 13.*]

Legislative
Records of the
Council,
xxxviii., 231.
Mass.
Archives,
ccxvi., 251.
Mass.
Archives,
ccxvi., 252.

CHAPTER 603.

VOTE ON THE PETITION OF DANIEL M^CNEILL AND THOMAS HARRIS.

UPON THE PETITION of Daniel M^cNeill & Thomas Harris setting forth their having Entred into Bonds with this Court for the prosecuting a Cruise for Twenty five days under the Command of Cap^t John Manley, and for which they gave Bonds to the amount of six thousand pounds, which Bonds are put in suit and the Cause is now pending before the Court of Co^mon Pleas for the County of Suffolk. The said Court is hereby required to Continue the Action untill the Next Term, to the End that the parties may have an Oppertunity to settle the same in the manner that has been proposed if they see fitt. [*Passed January 13.*]

Legislative
Records of the
Council,
xxxviii., 231.
Mass.
Archives,
ccxvi., 253.
Mass.
Archives,
ccxvi., 254-259.
Province Laws,
xix., 913, chap.
1119.

CHAPTER 604.

RESOLVE ON THE PETITION OF THOMAS FOSTER.

Legislative
Records of the
Council,
xxxviii., 232.
Mass.
Archives,
ccxvi., 245.

Mass.
Archives,
ccxvi., 246, 247.

ON THE PETITION of Tho^s Foster Praying for allowance for Receiveing & Delivering the Powder belonging to this State

Resolved that there be allowed and paid Out of the publick Treasure of This State to the Said Tho^s Foster the Sum of Eighty pounds in full for his Services in Receiveing & Delivering the Powder aforesaid to the 1st Jan^y 1778, and that for the future said Forster render in to this Court an account of what powder he receives of private persons & the emolument thereon. [*Passed January 13.*]

CHAPTER 605.

RESOLVE ON THE PETITION OF MARTHA COTTON.

Legislative
Records of the
Council,
xxxviii., 232.
Mass.
Archives,
ccxvi., 261.

Mass.
Archives,
ccxvi., 262.
Province Laws,
xviii., 778,
chap. 136.

ON THE PETITION of Martha Cotton praying that she may be admitted to re-enter an Action at the Next Superior Court of Judicature to be holden at Falmouth in the County of Cumberland which Action she brought against Elisha Baker in the year 1773.

Resolved that the Prayer of said Petition be granted & that the said Martha Cotton be & She is hereby impowered to re-enter her said Action at the next Superior Court of Judicature to be holden at Falmouth in & for the said County of Cumberland on the next Tuesday after the fourth Tuesday of June next; And the Justices of said Court are hereby fully impowered & directed to hear said case make up Judgment for the sum that shall be found due, together with all reasonable Costs & charges the said Martha hath been at by means of said Action having been declared defaulted & award execution accordingly. And the Judgment already had by means of said default is hereby declared null & void. And the said Martha by herself or such person as she shall appoint shall be allowed to appear in, plead & prosecute said suit to final Judgment & execution. Provided that the said Martha shall notifie the said Elisha Baker of this suit by serving him with an attested copy of this order & the petition on which it is founded at least fourteen days before the said sitting of said Court. [*Passed January 13.*]

CHAPTER 606.

RESOLVE ON THE REPORT OF THE SELECTMEN AND OVERSEERS OF THE POOR OF BOSTON.

Legislative
Records of the
Council,
xxxviii., 236.
Mass.
Archives,
ccxvi., 266.

Mass.
Archives,
ccxvi., 264.

ON THE REPORT of The Peace Officers Select Men and Overseers of the Poor of the Town of Boston who were ordered to make Search thro' said Town for certain Purposes

Resolved That Henry Doit who is returned in said Report as a Deserter from General Burgoyne's Army, be delivered to the Order of Maj^r General Heath; and that Mary Stanwix, Mary Wood and Henry Scott, who are returned in said Report, as Persons not able to give a satisfactory Account of themselves be dealt with by the Magistrates as the Law directs. [*Passed January 14.*¹]

¹ This date is January 13 according to Legislative Records of the Council.

CHAPTER 607.

RESOLVE RELATIVE TO PROVISIONS SUPPLIED NATHANIEL PREBBLE
AND OTHERS OF FRENCHMAN'S BAY.

Legislative
Records of the
Council,
xxxviii., 233.
Mass.
Archives,
ccxvi., 267.

Resolved that the Board of War be & they hereby are directed, to Recive The pay for ceartin Provisions Supplied Nathⁿ Prebble & others for The Inhabitants of Frenchmans Bay at Some Convenient Landing in said Frenchmans Bay. [*Passed January 14.*]

CHAPTER 608.

RESOLVE ON THE PETITION OF SAMUEL FISK.

ON THE PETITION of Samuel Fisk, of Watertown, in the County of Middlesex Esq^r Guardian of Jeremiah Fowle Lucy Fowle and Samuel Fowle all of said Watertown, minors, praying that he may be impowred to give and execute a Deed of their Right in & unto a certain Piece of Wood Land containing ten Acres, situate in Newton in said County

Legislative
Records of the
Council,
xxxviii., 234.
Mass.
Archives,
ccxvi., 268.

Resolved That the Prayer of said Petition be so far granted, as that the Petitioner be and he is hereby empowered to join with the other Owners of said Tract of Land in the execution of a Deed thereof to any Person or Persons, He the said Samuel Fisk giving Security to the Judge of Probate for said County to account with him for the proceeds of such Sale for the Use of said minors. [*Passed January 14.*]

Mass.
Archives,
ccxvi., 269.

CHAPTER 609.

RESOLVE FOR PREVENTING INIMICAL PERSONS FROM RETURNING
TO THIS STATE.

WHEREAS it has been represented to this Court that many persons inimical to the Cause of the American States who went off from this State with Gen^l How at the avacuation of Boston, or at other Times to our enemies are attempting to Come into this State from places now in Possession of our enimies therefore to prevent the Evills which may arise from Such attempts being put in execution it is

Legislative
Records of the
Council,
xxxviii., 234.
Mass.
Archives,
ccxvi., 270.

Resolved that the Hon^{bl} Council be & they are hereby desiered to write to Gover^r Cooke of The State of Rhode Island & to Gen^l Spencer commanding the Troopes in the service of the American States doing duty there, desiering Them to prevent any person from returning into this State who Left it as aforementioned without The Leave of the General Court of This State, and That the Hon^{bl} Council be further desiered to take all Such further Steps to prevent the Return from any other place whatever of any person who Left The State as aforesaid unless Such return be by the Leave or permission of the General Court. [*Passed January 15.*]

CHAPTER 610.

Legislative
Records of the
Council,
xxxviii., 235.
Mass.
Archives,
ccxvi., 271.

RESOLVE IMPOWERING THOMAS CRANE, ESQ^s, TO REFER THE ACTION COMMENCED AGAINST THOMAS HARLING.

Resolved That Thomas Crane Esq^r be and he is hereby empowered to submit to the Determination of Referees by a Rule of Court the Action or Suit commenced in Behalf of this State against Thomas Harling, which Action is now pending at the Inferiour Court of Common Pleas for the County of Suffolk. [*Passed January 15.*]

CHAPTER 611.

RESOLVE DIRECTING THE TREASURER TO STAY EXECUTIONS AGAINST DELINQUENT CONSTABLES AND COLLECTORS OF TAXES.

Legislative
Records of the
Council,
xxxviii., 236.
Mass.
Archives,
ccxvi., 274.

Province Laws,
v., 734, chap.
7; 821, note.

WHEREAS some of the Constables & Collectors of Publick Taxes in sundry towns in this State (from not having timely received the Act for calling in the bills of C^r Emitted by the State) have neglected sending Certificates of their having received said Bills for publick Taxes before the first day of December 1777, Agreeably to an Act of the Gen^l Court for Calling in said Bills and as the Treasurer of this state is Ordered to Isue his Executions Against all delinquent Constables & Collectors of such Publick Taxes Therefore

Resolved

That the Treasurer of this State be, & he hereby is Impowered & directed to Stay his Executions against any Constables or Collectors of Publick Taxes for the year 1776 for the Space of forty days from the Date of this Resolve, any Act or resolve of the General Court to the Contrary notwithstanding. [*Passed January 16.*]

CHAPTER 612.

RESOLVE RELATIVE TO AN ALLOWANCE TO NON-COMMISSIONED OFFICERS IN CONTINENTAL ARMY.

Legislative
Records of the
Council,
xxxviii., 237.
Mass.
Archives,
ccxvi., 273.

WHEREAS Doubts have arisen respecting the Allowance made by a Resolve of this Court of the 15th of Oct^r last, to Soldiers who march'd to reinforce the Continental Army at New York Ticonderoga & elsewhere for their Sickness, Losses &c.

Resolved that the said Resolve of the 15th Oct^r last shall be construed to extend to the Noncommissioned Officers as well as Soldiers belonging to this State, who march'd to reinforce the Continental Army at New York, Ticonderoga or elsewhere. [*Passed January 16.*]

CHAPTER 613.

ORDER APPOINTING JOHN GREENOUGH, ESQ^s, ON COM^{tee} OF ACCO^{ts}.

Legislative
Records of the
Council,
xxxviii., 238.
Mass.
Archives,
ccxvi., 281.

Ordered That John Greenough Esq^r be on the Com^{ee} for preparing the Accounts of this State against the United States in the Room of M^r Joseph Henderson who declines serving. [*Passed January 17.*]

CHAPTER 614.

RESOLVE DIRECTING THE BOARD OF WAR TO PROCURE MATERIALS FOR BUILDING TWO ARMED VESSELS.

WHEREAS by a Resolve of the Gen^l Court passed the sixth day of August last the Board of War were impowered and directed to purchase or Build two armed Vessels to be employed in the Service of this State, and whereas it appears to this Court, that the size & dimensions of the two armed Vessels mentioned in said Resolve are too large to answer the purposes for which said Vessels were intended therefore

Resolved that the said Resolution passed the 6th day of Augst last be and hereby is revoked and declared Null and Void and that the Board of War be, and they hereby are impowered and directed forthwith to procure suitable Materials for Building and Arming two Vessels to Mount Sixteen or Twenty guns each. [*Passed January 17.*]

Legislative
Records of the
Council,
xxxviii., 238.
Mass.
Archives,
ccxvi., 282.

CHAPTER 615.

RESOLVE DIRECTING THE BOARD OF WAR TO PAY INTO THE TREASURY ALL THE BILLS OF CREDIT EMITTED BY THIS STATE IN THEIR POSSESSION.

Resolved that the Board of War be & they are hereby directed to pay into the publick Treasury of this State all the Bills of Credit emitted by this State which are ordered to be called in also all bills purporting to be such Bills of Credit tho' counterfeit in their possession, provided they are possessed of such Bills in either of the aforesaid Cases in their capacity of a Board of War of this State. And the Treasurer is hereby directed to give two Receipts for each sum so received distinguishing therein whether the Money for which it is given is good or bad one of which Receipts to be lodged in the Secretary's Office. [*Passed January 17.*]

Legislative
Records of the
Council,
xxxviii., 238.
Mass.
Archives,
ccxvi., 277.

Province Laws,
v., 734, chap.
7; 759, chap.
14; 821, notes.

CHAPTER 616.

RESOLVE ALLOWING £2,000 TO THE COMMITTEE FOR FORTIFYING BOSTON HARBOUR.

Resolved that there be paid out of the Treasury of this State to the Committee for Fortifying the Harbour of Boston the Sum of Two Thousand Pounds they being accountable to this Court for the Expenditure of the Same. [*Passed January 17.*]

Legislative
Records of the
Council,
xxxviii., 238.
Mass.
Archives,
ccxvi., 276.

CHAPTER 617.

RESOLVE DIRECTING THE TREASURER TO RECEIVE ALL THE BILLS OF CREDIT IN POSSESSION OF NATHANIEL APPLETON, COMMISSIONER OF THE CONTINENTAL LOAN OFFICE.

WHEREAS Nath^l Appleton Esq^r Commissioner of the Continental Loan office in this State has Informed this Court by his Memorial of the first of December Last that he has by him a Quantity of Bills of Credit issued by this State, which he received for Continental Loan Certificates issued by him for the use

Legislative
Records of the
Council,
xxxviii., 239.
Mass.
Archives,
ccxvi., 279.

Mass.
Archives,
ccxvi., 280.

of the United States, which Bills are now rendered useless to Said Commissioner for the purposes for which it was recived therefore

Resolved that the Treasurer of this State be & he hereby is directed to recive of the Said Commissioner in this State all the bills of Credit emitted by this State that he has on hand, which were received by him in behalf of the United States & the Treasurer is hereby directed to deliver to Said Commissioner Continental Bills of Credit to the Same amount. [*Passed January 17.*]

CHAPTER 618.

ORDER APPOINTING A COMMITTEE TO CONFER WITH GEN. HEATH CONCERNING THE BURGOYNE PRISONERS.

Mass.
Archives,
ccxvi., 310.

In the House of Representatives

Mass.
Archives,
ccxvi., 309.

Ordered that Coll Sartell M^r Choate Capⁱ Washburn and M^r Wendell with such as the Hon Board shall join be a Committee to confer with General Heath on the subject of the Officers of General Burgoynes late Army now Prisoners at Cambridge having their Fusees, & of the Resolve of Congress for taken a description of said Prisoners, and to consider at large what is proper to be done to secure this State from the danger to which it may be exposed on Account of these Prisoners being in this State.

In Council

Read & Concurr'd and Walter Spooner Moses Gill & Tim^o Danielson Esq^{rs} are joynd. [*Passed January 17.*]

CHAPTER 619.

ORDER ON THE PETITION OF ANN CROSBY AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 236.
Mass.
Archives,
ccxvii., 192.

THE COM^{TEE} of both Houses on the Petⁿ of Ann Crossby and others have attended that Service and heard the Petitioners, the Adverse Party not Present, nor Doth it appear that the s^d Adverse party was Notified agreeable to Order therefore Y^r Com^{tee} Beg leave to Report the following order Viz;

On the Petition of Ann Crosby & others praying the Court to make valid a Copy of the last Will & Testament of Joseph Crosby late of Braintree deceas^d for reasons offerd.

Ordered That the Petitioners, or some one of them Notifie the Heirs of the Estate Mentioned in s^d Petition, who are not Petitioners, by serving them with an Attested Copy of their Petition, with this Order of Court thereon, That they Shew cause (if any there be) on Tuesday the 27th Day of this instant, why the Prayer thereof should not be Granted. [*Passed January 19.*¹]

CHAPTER 620.

RESOLVE FOR THE DEFENCE OF DARTMOUTH AND PLACES ADJACENT.

Legislative
Records of the
Council,
xxxviii., 239.
Mass.
Archives,
ccxvi., 285.

THE COMMITTEE of both Houses to whom was referred the Consideration of the Petition of the Town of Dartmouth and the Letters accompanying beg leave to report the following Resolves

Resolved That the Garrison on Accushnet River in the Town of Dartmouth be reinforced with one Captain and fifteen privates

¹ This date is January 16 according to Legislative Records of the Council.

to be upon the Sea Coast Establishment Said Officers and Soldiers to continue in Service to the first Day of Decem^r next unless sooner Discharged, and Col^o Pope of Dartmouth is hereby Directed to nominate a Captain to enlist the aforesaid Soldiers immediately and when They shall enlist the fifteen Men for the purpose aforesaid the said Col^o shall recommend them to the Council of this State that they may be Commissioned accordingly.

And it is further

Resolved that the Council be and they are hereby requested to order Col^o Craft to detach the Comissioned Officers of one Company in his Regiment, and Twenty Matrosses with a proper proportion of noncommissioned Officers & march them immediately to Dartmouth there to continue and be in Service for the Defence of the Town of Dartmouth and other Places adjoining, till the further Order of This Court, under the Command of the aforesaid Col^o Pope & that the said Col^o Craft be directed to furnish the said Company with four field Pieces ammunition, &c for the aforesaid Service. And the Officers that shall be so detached are hereby order^d and directed to fill up their Company by Enlistment to the Number of fifty to continue and be in service for the Defence of Dartmouth & places Adjoining to the first Day of Decem^r next unless sooner discharged, and be on the same Establishment with the Matrosses under Col^o Craft^s immediate Command Excepting the Bounty, That the Town of Dartmouth and The Harbours There may be render^d less the Object of our Enemies attention. It is further

Resolved That the Select Men and Committee of Safety &c of the said Town of Dartmouth are hereby order^d immediately to Cause all the Goods wares and Merchandises that they may think proper to answer the aforesaid purpose, being private property not absolutely necessary for the Subsistence of the Inhabitants and other People there doing Business kept or Stored or that may be hereafter stored in said Town the Property of said Inhabitants or any other private Persons, to be re[moved]¹ into the Country to some safe Place, by posting up a Copy of this Resolve in some public place in said Town or otherwise notifying the owners of Goods Stored in said Town immediately to remove the same as aforesaid; and if the owner or owners shall neglect so to remove his or Their Goods for the space of Two Days after Notice as aforesaid, the Select Men and Committee aforesaid are hereby empower^d to hire, or if necessary to impress Teams or Vessells, immediately to convey the Goods as aforesaid; and The Cost and Charges arising from such Conveyance shall be immediately paid by the owner or Owners of said Goods, otherwise the said Select men & Committee are hereby empowerd to sell a Quantity of Such Goods sufficient to pay the Cost of such Removal provided the Goods so removed be private Property; & all such Goods as are the property of This State or the United States the Continental Agents Board of War or other persons having the Care of them are desired to remove as soon as may be

And it is further

Resolved that the Council be requested to direct the said Col^o Pope to Issue his orders to the several Captains commanding Companies in his Regiment to take especial Care Their respective Companies are well equipped and in Constant readiness on the Shortest Notice to turn [out on alarm in the Defence of the Town and]¹ Harbours of Dartmouth and Places adjoining.

In the House of Representatives

Read & pass'd

In Council

Read and Concurred. [Passed January 19.

Legislative
Records of the
Council,
xxxviii., 241.
Mass.
Archives,
ccxvi., 239.

Mass.
Archives,
ccxvi., 290.
Province Laws,
xviii., 538,
chap. 14.

CHAPTER 621.

RESOLVE GRANTING £80 TO CAPT. JOHN PHILIPS AS A GRATUITY.

Resolved that there be granted and allowed to be paid out of the public Treasury to John Philips Esq^r late Captain of Castle William the Sum of Eighty Pounds, as a Gratuity in Consideration of the extraordinary Services performed by him while in that Office. [*Passed January 19.*]

CHAPTER 622.

RESOLVE GRANTING £16. 13. 4 TO JOHN BROCK IN ADDITION TO HIS PENSION.

Resolved That there be granted and allowed to be paid out [of] the public Treasury annually to John Brock late Gunner on Castle William, the Sum of Sixteen pounds thirteen Shillings & four pence in addition to the annual Pension which he receives from this Government. [*Passed January 19.*]

CHAPTER 623.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

Legislative
Records of the
Council,
xxxviii., 242.
Mass.
Archives,
ccxvi., 292.

Resolved that there be Granted and Allowed to be paid out of the public Treasury to John Winthrop Esq^r L.L.D. Hollisian Professor of Mathematics and Natural Philosophy at Harvard College, the Sum of One Hundred Pounds in Consideration of his faithful Services for one Year ending the Thirteenth day of January Current. [*Passed January 19.*]

CHAPTER 624.

RESOLVE ALLOWING £50 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

Legislative
Records of the
Council,
xxxviii., 242.
Mass.
Archives,
ccxvi., 293.

Resolved that there be granted and allowed to be paid out of the Publick Treasury to M^r Stephen Sewall, Hancock Professor of the Hebrew and other Oriental Languages at Harvard College, the Sum of Fifty Pounds in Consideration of his Services for one Year ending the first Day of January current. [*Passed January 19.*]

CHAPTER 625.

RESOLVE ALLOWING £200 TO THE PRESIDENT OF HARVARD COLLEGE.

Legislative
Records of the
Council,
xxxviii., 242.
Mass.
Archives,
ccxvi., 294.

Resolved that there be granted and allowed to be paid out of the public Treasury the Sum of Two Hundred Pounds to the Rev^d M^r Samuel Langdon, President of Harvard College, over and above the Rents of Massachusetts Hall, in consideration of his faithful Services for one Year ending the first day of January Current. [*Passed January 19.*]

CHAPTER 626.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

Resolved that there be granted and allowed to be paid out of the public Treasury to M^r Edward Wigglesworth, Hollisian Professor of Divinity at Harvard College, the Sum of One Hundred Pounds in Consideration of his faithful Services for one Year ending the First Day of January Current. [*Passed January 19.*]

Legislative
Records of the
Council,
xxxviii., 242.
Mass.
Archives,
ccxvi., 295.

CHAPTER 627.

RESOLVE ALLOWING £245. 10 TO JOHN PECK FOR SERVICES IN CONNECTION WITH CONSTRUCTION OF THE BRIGANTINE HAZARD.

Resolved that there be Allowed & paid out of the Public Treasury of this State, Two hundred & forty five pounds ten Shillings, to m^r John Peck in full for his wages and Board, whilst modelling & attending on Building the Brigantine Hazard. [*Passed January 19.*]

Legislative
Records of the
Council,
xxxviii., 243.
Mass.
Archives,
ccxvi., 296.
Province Laws,
xix., 728, chap.
685.

CHAPTER 628.

RESOLVE ALLOWING £350 TO HONB^{LE} WILLIAM CUSHING, ESQ^R, CHIEF JUSTICE.

Resolved that there be granted and paid out of the Public Treasury, To the hon^{ble} William Cushing Esq^r, Chief Justice of the Superiour Court of Judicature &c, the Sum of Three Hundred and Fifty Pounds, for his Services for one Year ending the first Day of January current. [*Passed January 19.*]

Legislative
Records of the
Council,
xxxviii., 243.
Mass.
Archives,
ccxvi., 297.

CHAPTER 629.

RESOLVE ALLOWING £300 TO HONB^{LE} JEDEDIAH FOSTER, ESQ^R.

Resolved That there be granted and paid out of the Publick Treasury to the hon^{ble} Jedediah Foster Esq^r, one of the Justices of the Superiour Court of Judicature &c, the Sum of Three Hundred Pounds, for his Services ending the first Day of January current. [*Passed January 19.*]

Legislative
Records of the
Council,
xxxviii., 243.
Mass.
Archives,
ccxvi., 298.

CHAPTER 630.

RESOLVE ALLOWING £300 TO HONB^{LE} NATHANIEL PEASLEY SERGEANT, ESQ^R.

Resolved that there be granted and paid out of the Publick Treasury to the Hon^{ble} Nathaniel Peasley Sergeant Esq^r, one of the Justices of the Superiour Court of Judicature &c, the Sum of Three Hundred Pounds, for his Services for one Year ending the first Day of January current. [*Passed January 19.*]

Legislative
Records of the
Council,
xxxviii., 243.
Mass.
Archives,
ccxvi., 299.

CHAPTER 631.

RESOLVE ALLOWING £300 TO HON^{BLE} JAMES SULLIVAN, ESQ^R.

Legislative
Records of the
Council,
xxxviii., 243.
Mass.
Archives,
ccxvi., 300.

Resolved That there be granted and paid out of the Publick Treasury to the hon^{ble} James Sullivan Esq^r, one of the Justices of the Superiour Court of Judicature &c, the Sum of Three Hundred Pounds, for his Services for one Year ending the first Day of January current. [*Passed January 19.*]

CHAPTER 632.

RESOLVE ALLOWING £100 TO HON^{BLE} DAVID SEWALL, ESQ^R.

Legislative
Records of the
Council,
xxxviii., 244.
Mass.
Archives,
ccxvi., 301.

Resolved that there be granted and paid out of the Publick Treasury to the hon^{ble} David Sewall Esq^r, one of the Justices of the Superiour Court of Judicature &c, the Sum of One hundred Pounds, for his Services for Four Months ending the first Day of January current. [*Passed January 19.*]

CHAPTER 633.

RESOLVE ON THE PETITION OF COL^O WESSON AND LIEUT. COL^O BADLAM.

Legislative
Records of the
Council,
xxxviii., 244.
Mass.
Archives,
ccxvi., 283.

ON THE PETITION of Colonels Wesson and Badlam praying that the Officers of the Said Wessons and Colonel Bayleys Regiments raised by this State may be furnished with Cloathing at reasonable prices

Resolved

Mass.
Archives,
ccxvi., 284.

That the Board of War be and they hereby are Directed to Deliver unto the Petitioners a Sufficient Quantity of Cloathing for to furnish Each Officer in those two Regiments with one Suit at a reasonable price, takeing sufficient security from Said Petitioners for the payment of the money which the Said Cloathing may amount to. [*Passed January 19.*]

CHAPTER 634.

ORDER ON THE PETITION OF INHABITANTS OF THE PRECINCT ERECTED FROM WORCESTER, LEICESTER, SUTTON AND OXFORD.

Legislative
Records of the
Council,
xxxviii., 244.
Province Laws,
v., 796, chap.
28.

ON A PETITION of the Inhabitants of a Precinct lately erected out of the Towns of Worcester, Leicester, Sutton and Oxford, praying that they may be incorporated into a Town.

Ordered That John Whetcomb Esq^r M^r Baker and M^r Dix, be a Committee to repair as soon as may be to the Parish lately taken from the Towns of Worcester, Leicester, Sutton and Oxford, and at the expence of said Parish to examine the same; and if they shall judge that said Parish ought to be erected into a Town, then to fix the Lines and Boundaries by which said Town shall be encircled, and to report to this Court the last Wednesday of February next, if this Court shall be then sitting, if not, the second Wednesday of the next sitting of the General Assembly: And the Petitioners are hereby Directed to furnish the several

Towns of Worcester, Leicester, Sutton and Oxford, with this Order of Court, and the day on which the Committee of Court shall appoint to attend the business; to the end that the several Towns, if they think proper, by their Agent, may meet the Court's Committee, and enter their Objections, if they have any, accordingly. [*Passed January 19.*]

CHAPTER 635.

RESOLVE ON THE PETITION OF THE INHABITANTS OF METHUEN.

ON THE PETITION of a number of Inhabitants of the Town of Methuen, praying they may be set off from paying to the support of the Reverend M^r Sergeant.

Legislative
Records of the
Council,
xxxviii., 245.

Resolved That the Petitioners serve the Town-Clerk of Methuen, fifteen Days before the second Wednesday of the next sitting of the General Court, with a Copy of their Petition, and Resolve of Court, that said Town of Methuen, on the second Wednesday of the next Sitting of the General Court, shew Cause, (if any they have) why the prayer of the Petition should not be granted. [*Passed January 19.*]

CHAPTER 636.

ORDER APPOINTING A COMMITTEE TO CONSIDER WHAT IS TO BE DONE CONCERNING SUSPICIOUS PERSONS.

In the House of Representatives

Ordered that M^r Wood, M^r Jeffries and M^r Greenleaf, with such as the Hon Board shall join, be a Committee to consider what is proper to be done with respect to those Persons who were lately apprehended by the Peace Officers of the Town of Boston; Also to consider what is proper to be done for the security of the Inhabitants of that Town & the neighboring Towns, And to bring in a Resolve for preventing Persons from passing through any Town in this State without a Pass.

Mass.
Archives,
ccxvi., 288.

In Council

Read & Concurred & Jn^o Taylor & Benj. Austin Esq^{rs} are joined. [*Passed January 19.*]

CHAPTER 637.

ORDER PERMITTING REV. DOCT^r MATHER AND WIFE TO TAKE POSSESSION OF THE HOUSEHOLD GOODS OF GOV^r THOMAS HUTCHINSON.

WHEREAS by a Resolve of the General Court of the 8th July 1776 for Reasons therein mentioned, leave & Liberty was granted to M^r Mather (Wife of Rev^d D^r Mather) to take into her possession such of the Household Goods of her Brother (the late Gov^r Hutchinson) as she might stand in need of, whether in the possession of Col^o Taylor or the Committee of Milton, or elsewhere; And as it appears that some doubts have arisen as to the meaning & Intent of that Resolve, It is hereby

Legislative
Records of the
Council,
xxxviii., 241.
Mass.
Archives,
ccxvi., 302.

Province Laws,
xix., 515, chap.
205.

Ordered That the Rev^d D^r Mather & M^{rs} Hannah Mather (his Wife) have full leave to take into their hands & safe keeping untill

the further Order of the Gen^l Court, all the Houshold Goods of her s^d Brother not disposd of by any special order of the Gen^l Court and exhibit a true Inventory thereof into the Secretarys Office as soon as may be; And all persons who have in their possession any of the Houshold Goods of the s^d M^r Hutchinson not dispos'd of by any special Order of the General Court are hereby required to deliver the same to the s^d D^r Mather & Wife, or to their Order. [*Passed January 20.*¹]

CHAPTER 638.

RESOLVE ON THE PETITION OF BENJAMIN COLE.

ON THE PETITION of Benjamin Cole.

Resolved That the prayer of Said petition Be So far Granted, as that the petitioner have Leave to proceed to Liverpool in Nova-scotia and To Return from thence into this State with his family and Effects, as soon as may be, provided That the Said Cole Carry No more provisions from this State Than the Committee of Such Town from whence Said Cole Shall Sail shall Judge Necessary for the use of the Said Coales family and two Sailors, which Said Cole is allowed to procure to assist him in Transporting his family from Novascotia to this State; and Said Cole is hereby allow^d To procure a Small vessel not Exceeding thirty Tons for the purpose of transporting his family as aforesaid and the Commanders of all Armed Vessels & others belonging to this State are hereby required to Suffer said Cole to pass & repass with his said Family & effects for the purposes above mentioned unmolested.

And it is Hereby recommended to the Commanders of all Vessels belonging to the United States or any one of them to let s^d Cole pass for the purposes above expressed, without any Hindrance. [*Passed January 20.*¹]

CHAPTER 639.

VOTE ON REPORT OF COMMITTEE CONCERNING THE BURGoyNE PRISONERS.

THE COM^{tee} of both houses appointed to take into consideration the order of Court of y^e 17th Instant and Attended y^e business therein Assigned, and Report as Followeth.

That on conferring with Gen^l Heath your Com^{tee} were informed that on strict inquiry there was not more than 35 Fuseses in the hands of Gen^l Burgoynes officers, & them Gen^l Heath had ordered to be taken from them and that he was using such Measures as Congress had directed him to make use of for taking a discreption of the Prisoners; and also Confer'd on y^e business at large and are of Opinion that y^e measures already Taken by Council for ordering nine Redgments to hold them in Readiness Agreeable to s^d order, is sufficient to secure this State from the danger to which it may be exposed on accompt of the Prisoners being in this State which is submitted

In Council

Read & accepted

In the House of Representatives

Read & concurred. [*Passed January 20.*]

W SPOONER p order

¹ This date is January 19 according to Legislative Records of the Council.

Legislative
Records of the
Council,
xxxviii., 245.
Mass.
Archives,
ccxvi., 303.

Mass.
Archives,
ccxvi., 304.

Legislative
Records of the
Council,
xxxviii., 247.
Mass.
Archives,
ccxvi., 309.

Mass.
Archives,
ccxviii., 307;
ccxvi., 310.

CHAPTER 640.

RESOLVE ALLOWING MILEAGE TO THE MEN THAT MARCHED TO
REINFORCE THE NORTHERN ARMY.

Resolved that there be allowed and paid to Each Officer & Soldier that marched in persuanee of the Requisition of the General Court of Septem^r 22nd 1777 to Reinforce the Northern army under the Command of General Gates, two pence per mile from their Several homes to the place of their first Drawing provetion and two pence per mile from the place their provition was Spent to their Several homes, in Addition to the Contenantal milage to be paid by the Commitee on accomp^t to the Commanding officer of Each Compenny & by them paid to Each offecer and Soldeer in his Compenny, together with reasonable allowence for the pack horses that carried their baggage and the Cost of the horses Expences on the road and Sending Said horses back

Legislative
Records of the
Council,
xxxviii., 248.
Mass.
Archives,
ccxvi., 312.

And it is further

Resolved that the foregoing Resolve shall be published in the Boston & Worcester Newspapers. [*Passed January 20.*]

CHAPTER 641.

RESOLVE ON THE PETITION OF DOCT^R JOSEPH GARDINER.

UPON THE PETITION of D^r Jos. Gardner praying for Leave to take the Hall &c in the Manufactory in the Town of Boston for an Hospital for Col^o Craft's Reg^t

Legislative
Records of the
Council,
xxxviii., 249.
Mass.
Archives,
ccxvi., 311.

Resolved that D^r Jos. Gardner be & he hereby is impower'd to take s^d Hall with two Rooms East of it & one Chamber in the Manufactory House for the purpose aforesaid. [*Passed January 20.*]

CHAPTER 642.

RESOLVE ON THE PETITION OF THE COMMITTEE OF CORRE-
SPONDENCE OF FALMOUTH.

WHEREAS the Comm^{ee} of Correspondence, &c for y^e Town of Falmouth have Represented to this Court that they did in August 1777, Stop sixteen oxen which they say were about to be driven out of this State Contrary to a Resolve of y^e Gen^l Court, prohibiting the exportation of Provision pass^d the 6th of February 1777, & filed an Information against y^e same at the Court of Gen^l Sessions of y^e Peace for the County of Cumberland agreeable to s^d Resolve; but before y^e Seting of S^d Court of Sessions the s^d Resolve was Repealed it is therefore

Legislative
Records of the
Council,
xxxviii., 249.
Mass.
Archives,
ccxvi., 313.

Mass.
Archives,
ccxvi., 314.
Province Laws,
xix., 805, chap.
877.

Resolved that the Court of Gen^l Sessions of y^e Peace for the County of Cumberland be and they are hereby Authorized & impowered to proceed to the hearing & determining upon the afores^d information, as fully & effectually as tho' the Resolve afores^d passed the 6th of February 1777, had not been Repealed. [*Passed January 20.*]

CHAPTER 643.

RESOLVE FOR PROVIDING GUARDS TO SERVE ON BOARD THE PRISON SHIP KINGSTON.

Legislative
Records of the
Council,
xxxviii., 246.
Mass.
Archives,
ccxvi., 307.

Mass.
Archives,
ccxvi., 306.

WHEREAS it has appeared to this Court as indispensibly necessary, that a number of Men should be immediately detached from the Militia of this State, for the purpose of Guarding the Kingston Prisonship, now in the harbour of Boston:

Therefore

Resolved that Colonel Hatch be and he hereby is ordered and directed forthwith to detach from the Regim^t under his Command One Subaltern three Sergeants, three Corporals and twenty two privates, to serve as a Guard on Board said prison Ship untill the last day of April next and that he cause each Man so detached, to be armed and accoutered according to Law and that he Order said detachment to repair to General Heath's Head Quarters by the twenty second day of January Current, there to receive and follow such Orders, as the General from time to time may see cause to give them within the Term afor^d and the Guard detached as afor^d shall be entitled to and receive the same pay and Subsistance that the Guards at Cambridge are intituled to

and be it further

Resolved that if any person so detached, and ordered to repair to General Heath's Head Quarters as afor^d and shall neglect or refuse so to do, or shall not procure some able Bodied effective Man in his room, to the acceptance of his Colonel, or pay a fine of twelve pounds within twenty four hours after he shall be detached and ordered as aforesaid, shall be considered as a Soldier in said detachment and treated Accordingly; and in Case any Soldier detached as Afor^d shall pay said Fine, the Colonel of said Reg^t shall apply the same towards procuring some other Able Bodied Man in his stead, and if the same shall be insufficient for that purpose, the Colonel shall proceed to detach some other person from his Regim^t untill the Number afor^d be compleated.

And it is also further

Resolved that Colonel Hatch be and he hereby is directed to furnish a small Guard consisting of one Sergeant one Corporal and Seven Privates to serve on board the Kingston Prisonship, untill the detachment afor^d shall be compleated. [*Passed January 21.*¹]

CHAPTER 644.

RESOLVE ON THE PETITION OF BENJAMIN WHEELER AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 246.
Mass.
Archives,
ccxvi., 328-330.

Mass.
Archives,
ccxvi., 331-351.
Legislative
Records of the
Council,
xxxviii., 36.
Province Laws,
xix., 604, chap.
409; 914, chap.
1120.

ON THE PETITION of Benjamin Wheeler and others

Resolved That M^r Nye Cap^t Wales & Brigad^r Warner be a Committee to Settle with Col Josiah Brewer and others for a certain Sum of Money lent said Brewer and others, for which Sum, in the Year 1776 they gave their Security to the Treasurer of this State.

Resolved That the Guard of 30 Men appointed by the General Court of this State in 1776 to guard on Penobscot River under the Command of Andrew Gilman, be and hereby are immediately discharged.

Resolved That M^r Nye, Cap^t Wales & Brig^r Warner be a Com-

¹ This date is January 20 according to Legislative Records of the Council.

mittee to [se]title¹ with Col. Jon^a Lowder for the Sum of four hundred¹ Pounds lawful Money, which the said Lowder as Truck-master¹ to the Tribe of Penobscot Indians, received [of] the Treasurer of this State in the Year 1776. [*Passed January 22.*²

CHAPTER 645.

RESOLVE ON THE PETITION OF BENJAMIN KENT.

ON THE PETITION of Benj^a Kent Esq^r in Behalf of Timothy Bullard praying that the Judges of the Inferior Court of Common Pleas for the County of Suffolk may be Impowered to take off the Default marked against him the said Timothy in favour of Edw^d Bullard &c

Legislative
Records of the
Council,
xxxviii., 251.
Mass.
Archives,
ccxvi., 352.

Resolved that the Justices of the Inferior Court of Common Pleas for the County of Suffolk be & they are hereby impowered & Directed to take off the Default mentioned in s^d Petition & that Such Tryal of the action upon the merrits thereof may be had Before the Same Court, as if the Cause had been regularly Continued from the Inferior Court of Common Pleas held last April for said County to this time & the Default of s^d Timothy had Never happened; any Law or usage to the Contrary Notwithstanding, on his paying to his Brother Edw^d all his Lawfull Costs to this time arisen. [*Passed January 22.*

Mass.
Archives,
ccxvi., 353.

CHAPTER 646.

RESOLVE ALLOWING £780 TO THE TREASURER.

Resolved that there be granted and allowed to be paid out of the Publick Treasury, To the Hon^{ble} Henry Gardner Esq^r Treasurer & Receiver General of this State the Sum of Seven Hundred and Eighty Pounds, for his Services from the 28th Day of October A.D. 1774, to the first Day of January current in Addition to the Sum of One hundred and fifty Pounds heretofore granted him. [*Passed January 22.*

Legislative
Records of the
Council,
xxxviii., 251.
Mass.
Archives,
ccxvi., 350.

Legislative
Records of the
Council,
xxxviii., 254.

CHAPTER 647.

RESOLVE ALLOWING £150 TO THE DEPUTY SECRETARY.

Resolved That there be granted and allow'd to be paid out of the Publick Treasury to John Avery Jun^r Deputy Secretary the Sum of One Hundred and fifty Pounds, in full for his Time and Services from the first Day of May last to the first Day of January current. [*Passed January 22.*

Legislative
Records of the
Council,
xxxviii., 252.
Mass.
Archives,
ccxvi., 355.

Mass.
Archives,
ccxvi., 356.

¹ MS. mutilated.

² This date is January 20 according to Legislative Records of the Council.

CHAPTER 648.

RESOLVE ALLOWING £250 TO THE SECRETARY.

Legislative
Records of the
Council,
xxxviii., 252.
Mass.
Archives,
ccxvi., 358.

Resolved that there be granted and allowd to be paid out of the Publick Treasury to the Hon^{ble} Samuel Adams Esq^r Secretary of this State the Sum of Two Hundred & Fifty Pounds for his Services to the first Day of January current. [*Passed January 22.*]

CHAPTER 649.

RESOLVE ALLOWING £750 TO THE COMMISSARY GENERAL.

Legislative
Records of the
Council,
xxxviii., 252.
Mass.
Archives,
ccxvi., 359.

Resolved that there be granted and Allow'd to be paid out of the Publick Treasury to Richard Devens Esq Commissary-General for this State the Sum of seven Hundred and fifty Pounds lawfull money in full for his Services to the first Day of January current. [*Passed January 22.*]

Legislative
Records of the
Council,
xxxviii., 254.

CHAPTER 650.

RESOLVE MAKING ADDITIONAL ALLOWANCES TO THE JUDGES OF THE SUPERIOR COURT.

Legislative
Records of the
Council,
xxxviii., 252.
Mass.
Archives,
ccxvi., 357.

Resolved that there be granted and allowed to be paid out of the public Treasury to the Judges of the Sup^r Court the Sums following Viz to the Hon. William Cushing Esq^r the Sum of One Hundred Pounds, to the Hon. Jedediah Foster Esq^r the Sum of One hundred Pounds, to the Hon. Nathaniel P. Sergeant the Sum of One Hundred Pounds, to the Hon. James Sullivan Esq^r the Sum of One hundred Pounds, to the Hon. David Sewall Esq^r the Sum of Thirty Pounds, over and above the usual Grants made them for their Services to the first day of January Current, in Consideration of the advanced prices of the Necessaries of life, and of the extraordinary Expence they have been at, in traveling their Circuit the last Year. [*Passed January 22.*]

CHAPTER 651.

RESOLVE IMPOWERING EDWARD DAVIS, GUARDIAN, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 250.
Mass.
Archives,
ccxvi., 322.

ON THE PETITION of Edward Davis of Dudley in the County of Worcester Guardian to the Children of Ebenezer Bacon late of s^d Dudley deceased praying for leave to make sale of the s^d deceased's real Estate for the reasons set forth in the Petition.

Mass.
Archives,
ccxvi., 321, 323.

Resolved that the s^d Edward Davis in his capacity of Guardian as aforesaid, be & he hereby is authorisd & impowerd to make sale of the real Estate of the s^d Ebenezer Bacon, mentiond in s^d Petition, for the most it will fetch and to execute a good Deed or Deeds thereof (saving the Widow's Term therein in right of her Dower), he observing the rules of the Law for the sale of real

Estates by Executors & administrators and giving Caution (if he is not already under sufficient Bonds) to the Judge of Probate to dispose of the monies arising from such Sale according to Law. [*Passed January 23.*¹

CHAPTER 652.

RESOLVE IMPOWERING JOHN WESSON AND REBECKAH BAKER, ADMINISTRATORS, TO SELL REAL ESTATE.

ON THE PETITION of John Wesson & Rebeckah Baker (formerly Rebeckah Wesson) Administrators of the Estate of Samuel Wesson late of a Place called the Gore between the Towns of Worcester & Grafton in the County of Worcester dec^d, praying that they may have leave to sell the whole of the real Estate of the afores^d Samuel Wesson deceased for the Reasons set forth in their Petition.

Resolved That the said Administrators be, and they hereby are authoris'd & empower'd to sell the whole of the s^d deceased's real Estate mention'd in their Petition saving only the Widow's Term therein in right of her dower, for the most the same will fetch, and to execute a Deed or Deeds thereof they observing the Rules & Directions of the Law for the sale of real Estates by Executors & Administrators, & giving proper Caution to the Judge of Probate for the s^d County, that the Monies arising from the Sale thereof shall be disposed of as the Law directs. [*Passed January 23.*¹

Legislative
Records of the
Council,
xxxviii., 250.
Mass.
Archives,
ccxvi., 361.
Mass.
Archives,
ccxvi., 362, 363.

CHAPTER 653.

RESOLVE ALLOWING ADDITIONAL PAY TO THE MILITIA THAT MARCHED TO REINFORCE THE NORTHERN ARMY.

WHEREAS [a nu]mber of The Militia of this State March'd to Reinforce the Nothern army in Consequence of a Request from Gener^l Gates in Sept^r Last and Previous to a Recomendation of this Court of the 22nd of Said Sept^r: It is

Resolved that Each Non Comision officer & Private Soldier That march'd as aforesaid be allowed & Paid the Sum of Two pounds Ten shillings p^r Kallender month in addition to the Continental pay. [*Passed January 23.*

Legislative
Records of the
Council,
xxxviii., 253.
Mass.
Archives,
ccxvi., 365.

CHAPTER 654.

RESOLVE ALLOWING £1,200 TO GEN^l HEATH.

Resolved That there be paid out of the Treasury of this State to the Hon^{ble} Generall Heath or his Order the Sum of Twelve hundred pounds for the Purpose of forwarding Clothing to the Southern Army he to be Accountable for the same. [*Passed January 23.*

Legislative
Records of the
Council,
xxxviii., 255.
Mass.
Archives,
ccxvi., 364.

¹ This date is January 21 according to Legislative Records of the Council.

CHAPTER 655.

CIVIL OFFICERS APPOINTED FOR THE ENSUING YEAR.

Legislative
Records of the
Council,
xxxviii., 254-
257.

Treasurer and Receiver-General. Hon. Henry Gardner, Esq;
Commissary-General. Richard Devens, Esq;
Notaries Public.

For the county of Suffolk.

Ezekiel Price

Henry Allyne, Jun.

For the county of Essex.

Edward Norris

Joshua Orne

William Atkins

Samuel Sawyer

Samuel Whittemore.

For the county of Middlesex. Stephen Hall.

For the county of Plymouth. Ephraim Spooner.

For the county of Barnstable.

Winslow Lewis

Solomon Otis

Nathanael Sheverick

Richard Sears.

For the county of Bristol.

Elisha Toby

William Brown.

For the county of York.

Thomas Cutts

Daniel Moulton.

For the county of Duke's-County. John Pease, Jun.

For the county of Cumberland. Jonathan Webb.

For the county of Lincoln. Samuel M'Cobb, John Page.

[*Passed January 23.*]

CHAPTER 656.

RESOLVE IMPOWERING EUNICE DENCH, ADMINISTRATRIX, TO SELL
REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 258.
Mass.
Archives,
ccxvi., 369.

Mass.
Archives,
ccxvi., 367.

ON THE PETITION of Eunice Dench of Waltham in the County of Middlesex Administratrix of the Estate of her late husband Roger Dench deceased, praying that she may be authorisd to join with Lawson Buckminster & Gilbert Dench in making Sale of two Lots of Land in the County of Worcester which her s^d Husband held in partnership with them. It is

Resolved That the s^d Eunice Dench as administratrix as afores^d be and she is hereby authorisd to join with the s^d Lawson Buckminster & Gilbert Dench in making Sale of the aforementioned Lots of Land for the most the same will fetch, and with them to make & execute a Deed or Deeds of the same, she giving sufficient Bond to the Judge of Probate for the County of Middlesex that the Monies arising from such sale shall be disposd of according to Law. [*Passed January 24.*]

CHAPTER 657.

RESOLVE ON THE PETITION OF THOMAS SPAULDING.

ON THE PETITION of Thomas Spaulding, Praying that he may be allowed and paid for sundry Articles which were lost in the Battle at Bunker-Hill belonging to his Brother M^r Joseph Spaulding who was slain in said Battle.

Legislative
Records of the
Council,
xxxviii., 258.

Resolved That there be paid out of the Public Treasury of this State to the Petitioner for the use of the Heirs of the Deceased the Sum of Fifteen Pounds in full Discharge of his Account. [*Passed January 24.*]

CHAPTER 658.

RESOLVE ON THE PETITION OF JOHN PIERCE.

ON THE PETITION of John Pierce, praying that a Judgment of Court against him in favour of Ephraim Sawyer Esq^r and Keziah Sawyer, Administrators on the Estate of Ezra Sawyer, late of Lancaster Deceased, may be set aside, and he be allowed a new hearing.

Legislative
Records of the
Council,
xxxviii., 259.
Mass.
Archives,
ccxvi., 374,
374a.

Resolved That the Prayer of said Petition be so far granted, as that the said Petitioner be, and he is hereby Ordered to serve the said Ephraim and Keziah Sawyer, with a Copy of said Petition, together with the Order taken thereon, by the Seventh Day of February next, that they shew Cause to the General Court, (if any they have) why the prayer of said Petition should not be granted, on the Third Tuesday of February next, if the said Court should be then sitting, if not, on the first Tuesday of the next Sitting of said General Court, and that the execution be stayed the mean time. [*Passed January 24.*]

CHAPTER 659.

RESOLVE IMPOWERING NATHANIEL NEWMAN AND MARTHA NEWMAN, ADMINISTRATORS, TO SELL REAL ESTATE.

ON THE PETITION of Nathaniel Newman & Martha Newman in the County of Essex Administrators of the Estate of Mary Sweet, Dece^d in the County afore^{sd}

Legislative
Records of the
Council,
xxxviii., 259.
Mass.
Archives,
ccxvi., 382.

Praying that they May be authoris^d to Make Sale of the Real Estate of the S^d Mary Sweet it is

Mass.
Archives,
ccxvi., 382½.
383.

Resolved that the sd Nathaniel Newman and Martha Newman be and they are hereby Authoris^d to Make Sale of the aforementioned Estate for the Most the Same will fetch and to Make and Execute a Deed or Deeds of the Same, they observing the Rules and Directions of the Law for the sale of real Estates by Ex^{rs} & Adm^{rs} and giving Sufficient Bonds to the Judge of Probate for the County of Essex, that the Moneys arising from Such Sale Shall be Disposd of according to Law. [*Passed January 26.*¹]

¹ This date is January 24 according to Legislative Records of the Council.

CHAPTER 660.

RESOLVE ALLOWING A PENSION TO KERBY [KERLEY] WARD.

Legislative
Records of the
Council,
xxxviii., 260.
Mass.
Archives,
ccxvi., 384.

Mass.
Archives,
ccxvi., 385-
386.

ON THE REPRESENTATION of John Lucas Commissary of Continental Pansioners in behalf [of] Kerby Ward, Late a Soldier in Col^o Jon^a Wards Rigem^t & Cap^t Seth Washburns Comp^y who was wounded in the Battle on Charlston Hights y^e 17th June 1775, by which wound he has in a grate degree Lost the Use of his Right arm.

Resolved that the Said Kerby Ward is Intitled to three Eighths of his Pay as a Soldier to Commence from y^e 31^t Dec^r 1775. [*Passed January 26.*]

CHAPTER 661.

RESOLVE ALLOWING A PENSION TO ELISHA MARSH.

Legislative
Records of the
Council,
xxxviii., 261.
Mass.
Archives,
ccxvi., 390.

Mass.
Archives,
ccxvi., 391,
391½.

ON THE REPRESENTATION of John Lucas Commissary of Continental Pansioners in behalf of Elisha Marsh, Late a Corporal in Cap^t John Lealands Comp^y & Col^o Ephraim Doolittles Rigem^t who was wounded on the Hights of Charlston y^e 17th June 1775 by which wound he has Lost the use of the Joint of his Left Knee

Resolved that the said Elisha Marsh is Intitled to one Quarter of his Pay as a Corporal to Comence from & after the 31^t of Dec^r 1775. [*Passed January 26.*]

CHAPTER 662.

RESOLVE ALLOWING A PENSION TO EBENEZER BANCROFT.

Legislative
Records of the
Council,
xxxviii., 261.
Mass.
Archives,
ccxvi., 392.

Mass.
Archives,
ccxvi., 392½-
394.

ON THE REPRESENTATION of John Lucas Commissary of Continental Pansioners in behalf of Eben^r Bancroft Esq^r, Late a Cap^t in Col^o Eben^r Bridges Rigement & who was wounded in The Battle on the Hights of Charlston the 17th June 1775

Resolved that the Said Eben^r Bancroft Esq^r is Intitled to Quarter pay to Commence the 1^t of January 1776. [*Passed January 26.*]

CHAPTER 663.

RESOLVE ALLOWING A PENSION TO LEMUEL GREEN.

Legislative
Records of the
Council,
xxxviii., 261.
Mass.
Archives,
ccxvi., 388.

Mass.
Archives,
ccxvi., 389,
389½.

ON THE REPRESENTATION of John Lucas Commissary of Continental Pansioners In behalf of Lem^{ll} Green, Late a Soldier in Col^o Jonathan Holmans Rigem^t & Cap^t Loring Lincolns Comp^y who was wounded in an action at White Plains near New York y^e 28th of Octob^r 1776, by which wound he has in a grate measure Lost the use of his right hand

Resolved that the said Lem^{ll} Green is Intitled to one fourth part of his pay as a Soldier to Comence from & after the 30th of November 1776. [*Passed January 26.*]

CHAPTER 664.

RESOLVE ON THE PETITION OF THE COMMITTEE OF CORRESPONDENCE OF GORHAM.

WHEREAS it is represented to this Court that the Committee of Correspondence Inspection &c for the Town of Gorham in the County of Cumberland have in their Possession a Silver Cup & Tankard said to be the Property of William Tyng, late of Falmouth in s^d County who has fled to the enemies of the United States of America therefore

Resolved [That] the said Committe of Gorham be & they are hereby directed to deliver said Silver Cup and Tankard to the Treasurer of this State & take his Receipt for the same any Resolve or Order of this Court to the Contrary notwithstanding.
[*Passed January 26.*]

Legislative
Records of the
Council,
xxxviii., 262.
Mass.
Archives,
ccxvi., 395.
Mass.
Archives,
ccxvi., 396, 397.

CHAPTER 665.

RESOLVE DIRECTING THAT A PORTION OF THE MILITIA BE DETACHED TO SERVE AS GUARDS DURING THE EMBARKATION OF THE BURGOYNE PRISONERS.

WHEREAS it appears to this Court Indespensibly necessary that a Number of Officers & men should be Detached from the militia of this State, and ordered to hold themselves in readiness to march at the Shortest notice, to occupy the Several posts in & about the Harbour of Boston, upon the arrival of the Transports to receive the Troops of the Convention. Therefore

Resolved That Col^o David Cushing be & he hereby is ordered forthwith to Detach from the Regiment under his Command one hundred and fifty men and form them into three Companies of fifty men each, Including a suitable number of Non commissioned officers, Drummers & fifiers, and appoint two Commissioned officers for each Company, to do Duty at Hull and also appoint one Lt Col^o for that Service. That Col^o Thayer be & he hereby is ordered & Directed to Detach from the Regiment under his Command thirty Six men & form them into one Comp^y, Including A suitable Number of Non Commissioned Officers Drummers & fifiers and appoint two Commissioned Officers for the Same, to Serve at Long Island.

That Col^o McIntosh be & he hereby is ordered to Detach from the Regiment under his Command Thirty six men and form them into one Company, Including A suitable Number of Non Commissioned Officers drummers & fifiers & appoint two Commissioned officers for the same to do Duty on Governours Island and also detach from his Regiment one Company more of fifty men, Including Non Commissioned Officers and also two Commissioned Officers to do duty on Castle Island.

That Col^o Gill be and he hereby is directed to Detach from the Regiment under his Command two Hundred men & form them into four Companies of fifty men each, with two Commissioned officers for each Company, & a suitable Number of Non Commissioned Officers drummers & fifiers Included to do Duty on Castle Island.

That Col^o Hatch be and he hereby is Directed to Detach from the Regiment under his Command one Hundred & Eighty Six men & form them into one Company of thirty Six men, with two Commissioned officers and a suitable Number of Non Commis-

Legislative
Records of the
Council,
xxxviii., 262.
Mass.
Archives,
ccxvi., 407, 408.

sioned Officers drummers & fifers Included to do duty on Noddles Island; & three Companies of fifty men each, and a Suitable Number of Non Commissioned officers, drummers & fifers Included & in addition to appoint two Commissioned Officers for each Company to Serve in Boston.

That Col^o Fox be & he hereby is directed to Detach from his Regiment fifty men & form them into one Company & appoint two Commissioned officers & a suitable Number of Non Commissioned Officers drummers & fifers Included for the same, to do Duty on Dorchester-Heights.

That Col^o Spaulding be and he hereby is Directed to Detach from his Regiment fifty men & form them into one Company with two Commissioned officers & a suitable Number of Non Commissioned Officers drummers & Fifers Included to do Duty on Dorchester Heights.

That Col^o Hatch^s Regiment furnish one Lieu^t Col^o to Command at Boston, Dorchester Heights, and Noddles Island & to be attached to the Detachment now doing duty there.

That Col^o Gill^s Regiment furnish one L^t Col^o and Col^o Mcintosh^s Regiment furnish one Major to Command at Castle Island, Long Island & Governours Island And that the Commanding officers of the Several Regiments aforesaid, cause each man so Detached to be armed and accoutred according to Law, to march at the Shortest Notice to the Several Posts assigned them as afores^d with a good Blanket and two Days provision, there to receive and follow such orders as Major General Heath from time to time shall see Cause to give them, untill the Troops afores^d are Embarked and gone out of the Harbour: for which Service they shall be Entitled to and receive the same pay and Subsistance that the Gaards in Cambridge are Entitled to.

And be it further

Resolved That if any person so Detached & ordered to march to the post assigned him as aforesaid & shall neglect or refuse so to do, or shall not procure some able bodied Effective man in his Room to the acceptance of his Colonel, or pay a fine of Ten pounds, within Twenty four hours after he shall be Detached or ordered as aforesaid, Shall be Considered as a Soldier in said Detachment and treated accordingly; and in Case any Soldier Detached as afores^d Shall pay said fine, the Colonel of s^d Regiment Shall apply the same towards procuring some other able bodied Effective man in his Stead, and if the Same Shall be insufficient for that purpose, the Colonel afores^d Shall proceed to Detach Some other person from his Regiment, untill the Number aforesaid be Completed; And that the major part of the Council be desired to Issue their orders to the Several officers to make their Detachments for the purposes aforesaid. [*Passed January 27.*]

CHAPTER 666.

RESOLVE ALLOWING HALF PAY TO JOSEPH WARE.

ON THE REPRESENTATION of John Lucas Commisary of Continental Pinsoners in behalf of Joseph Ware, Late a private Soldier in Cap^t Aaron Gardiners Comp^y & Col^o Eleaz^r Brookes Rige^t & who Lost his Left arm by a ball from the Enemy in the Battle at White Plains near New York Octob^r 28th 1776

Resolved that the said Joseph Ware is Intitled to half his pay as a Soldier to Comence from & after the 16th of November 1776. [*Passed January 27.*]

Legislative
Records of the
Council,
xxxviii., 261.
Mass.
Archives,
ccxvi., 398.

Mass.
Archives,
ccxvi., 399,
400.

CHAPTER 667.

RESOLVE ALLOWING HALF PAY TO WILLIAM MORGAN.

ON THE REPRESENTATION of John Lucas Commisary of Continental pinsioners in behalf of Will^m Morgan, Late a Soldier in Cap^t John Bakers Comp^y in Col^o Israel Hutchinsons Rigem^t & was wounded on Long Island near New York, by which wound he is rendered incapable of Earning his Living

Resolved that the Said Will^m Morgan is Intitled to one half his pay as a soldier to Comence from & after the 31^t day of December 1776. [*Passed January 27.*]

Legislative
Records of the
Council,
xxxviii., 265.
Mass.
Archives,
ccxvi., 401.

Mass.
Archives,
ccxvi., 402-
403.

CHAPTER 668.

RESOLVE ALLOWING HALF PAY TO JAMES COBBY.

ON THE REPRESENTATION of John Lucas, Commisary of Continental pinsioners in behalf of James Cobby, Late a soldier in Cap^t Bancrofts Comp^y & Col^o Bridges Rigem^t & who was wounded in the Battle on Charlstown Hights y^e 17th June 1775, by which wound he is rendered incapable of Earning his Living

Resolved that the said James Cobby is Intitled to one half his pay as a Soldier to Comence from & after the 31^t day of December 1775. [*Passed January 27.*]

Legislative
Records of the
Council,
xxxviii., 265.
Mass.
Archives,
ccxvi., 404.

Mass.
Archives,
ccxvi., 399,
404½-405½.

CHAPTER 669.

APPOINTMENT OF NATHANIEL BARBER AS NAVAL OFFICER FOR THE PORT OF BOSTON.

In the House of Representatives

The House made choice by ballot of Nathaniel Barber Esq^r as Naval Officer for the Port of Boston for the Year ensuing.

In Council

Read & Concurred. [*Passed January 27.*]

Legislative
Records of the
Council,
xxxviii., 265.
Mass.
Archives,
ccxvi., 410.

CHAPTER 670.

APPOINTMENT OF EDWARD POPE AS NAVAL OFFICER FOR THE PORT OF DARTMOUTH.

In the House of Representatives

The House made choice by ballot of Edward Pope Esq^r as Naval Officer for the Port of Dartmouth for the Year ensuing.

In Council

Read & Concurred. [*Passed January 27.*]

Legislative
Records of the
Council,
xxxviii., 266.
Mass.
Archives,
ccxvi., 411.

CHAPTER 671.

APPOINTMENT OF JOSEPH OTIS AS NAVAL OFFICER FOR THE PORT OF BARNSTABLE.

Legislative
Records of the
Council,
xxxviii., 266.
Mass.
Archives,
ccxvi., 412.

In the House of Representatives
The House made Choice by ballot of Joseph Otis Esq^r as Naval
Officer for the Port of Barnstable for the Year ensuing.
In Council
Read & Concurred. [*Passed January 27.*]

CHAPTER 672.

APPOINTMENT OF THOMAS MAYHEW AS NAVAL OFFICER FOR THE PORT OF PLYMOUTH.

Legislative
Records of the
Council,
xxxviii., 266.
Mass.
Archives,
ccxvi., 413.

In the House of Representatives
The House made choice by ballot of Thomas Mayhew Esq^r as
Naval Officer for the Port of Plymouth for the Year ensuing.
In Council
Read & Concurred. [*Passed January 27.*]

CHAPTER 673.

APPOINTMENT OF CAPT. STEPHEN SMITH AS NAVAL OFFICER FOR THE PORT OF MACHIAS.

Legislative
Records of the
Council,
xxxviii., 266.
Mass.
Archives,
ccxvi., 414.

In the House of Representatives
The House made choice by ballot of Capt Stephen Smith as
Naval Officer for the Port of Machias for the Year ensuing.
In Council
Read & Concurred. [*Passed January 27.*]

CHAPTER 674.

APPOINTMENT OF CAPT. WILLIAM NICHOLS AS NAVAL OFFICER FOR THE PORT OF GOLDSBOROUGH.

Legislative
Records of the
Council,
xxxviii., 266.
Mass.
Archives,
ccxvi., 415.

In the House of Representatives
The House made choice by ballot of Capt William Nichols as
Naval Officer for the Port of Goldsborough for the Year ensuing.
In Council
Read & Concurred. [*Passed January 27.*]

CHAPTER 675.

APPOINTMENT OF CAPT. NICHOLAS CROSBY AS NAVAL OFFICER FOR THE PORT OF PENOBSCOT.

Legislative
Records of the
Council,
xxxviii., 266.
Mass.
Archives,
ccxvi., 416.

In the House of Representatives
The House made choice by ballot of Capt Nicholas Crosby as
Naval Officer for the Port of Penobscott for the Year ensuing.
In Council
Read & Concurred. [*Passed January 27.*]

CHAPTER 676.

APPOINTMENT OF THOMAS CHILD AS NAVAL OFFICER FOR THE
PORT OF FALMOUTH.

In the House of Representatives

The House made choice by ballot of M^r Thomas Child as Naval
Officer for the Port of Falmouth for the Year ensuing.

In Council

Read & Concurred. [*Passed January 27.*]Legislative
Records of the
Council,
xxxviii., 266.
Mass.
Archives,
ccxvi., 417.

CHAPTER 677.

APPOINTMENT OF TRISTRAM JORDAN AS NAVAL OFFICER FOR THE
PORT OF PEPPERELLBOROUGH.

In the House of Representatives

The House made choice by ballot of Tristram Jordan Esq^r as
Naval Officer for the Port of Pepperilborough for the Year ensuing.

In Council

Read & Concurred. [*Passed January 27.*]Legislative
Records of the
Council,
xxxviii., 267.
Mass.
Archives,
ccxvi., 418.

CHAPTER 678.

APPOINTMENT OF CAPT. RICHARD TREVET AS NAVAL OFFICER FOR
THE PORT OF YORK.

In the House of Representatives

The House made choice by ballot of Capt Richard Trevet as
Naval Officer for the Port of York for the Year ensuing.

In Council

Read & Concurred. [*Passed January 27.*]Legislative
Records of the
Council,
xxxviii., 267.
Mass.
Archives,
ccxvi., 419.

CHAPTER 679.

APPOINTMENT OF CAPT. MICHAEL HODGE AS NAVAL OFFICER FOR
THE PORT OF NEWBURYPORT.

In the House of Representatives

The House made choice by ballot of Capt Michael Hodge as
Naval Officer for the Port of Newbury Port for the Year ensuing.

In Council

Read & Concurred. [*Passed January 27.*]Legislative
Records of the
Council,
xxxviii., 267.
Mass.
Archives,
ccxvi., 420.

CHAPTER 680.

APPOINTMENT OF SAMUEL WHITTEMORE AS NAVAL OFFICER FOR
THE PORT OF GLOUCESTER.

In the House of Representatives

The House made choice by ballot of Samuel Whittemore Esq^r
as Naval Officer for the Port of Gloucester for the Year ensuing.

In Council

Read & Concurred. [*Passed January 27.*]Legislative
Records of the
Council,
xxxviii., 267.
Mass.
Archives,
ccxvi., 421.

CHAPTER 681.

APPOINTMENT OF JOHN GERRY AS NAVAL OFFICER FOR THE PORT OF MARBLEHEAD.

Legislative
Records of the
Council,
xxxviii., 267.
Mass.
Archives,
cexvi., 428.

In the House of Representatives
The House made choice by ballot of M^r John Gerry as Naval
Officer for the Port of Marblehead for the Year ensuing.
In Council
Read & Concurred. [*Passed January 27.*]

CHAPTER 682.

APPOINTMENT OF WARWICK PALFREY AS NAVAL OFFICER FOR SALEM.

Legislative
Records of the
Council,
xxxviii., 267.
Mass.
Archives,
cexvi., 422.

In the House of Representatives
The House made choice by ballot of M^r Warwick Palfrey as
Naval Officer for the Port of Salem for the Year ensuing.
In Council
Read & Concurred. [*Passed January 27.*]

CHAPTER 683.

RESOLVE RESPECTING PRICES OF CLOTHING SUPPLIED OFFICERS OF THE CONTINENTAL REGIMENTS.

Legislative
Records of the
Council,
xxxviii., 268.
Mass.
Archives,
cexvi., 424.

WHEREAS a Resolve passed this House on the Eleventh Day of August last past directing the Board of War to supply the Officers of the Continental Regiments raised in this State, who lost a considerable Part of their Baggage at the Evacuation of Ticonderoga, with such Quantities of Cloathing as they may want and the s^d Board can spare not exceeding the quantity they lost, they paying for the same; and Doubts having arisen with the Board of War as to the Prices at which they were to supply said Officers with the Cloathing aforesaid

Therefore

Resolved that the said Board of War be and hereby are directed to receive of the said Officers the same Prices for the Cloathing they have or may deliver to them, as the said Board did receive for such Cloathing on the eleventh Day of August last past and no more any Order of this Court to the Contrary in any wise notwithstanding. [*Passed January 27.*]

CHAPTER 684.

RESOLVE FOR PURCHASING ONE HALF THE SCHOONER ELIZABETH AND CARGO.

Legislative
Records of the
Council,
xxxviii., 268.
Mass.
Archives,
cexvi., 406.

Resolved That there be paid out of the Treasury of this State to the Board of War the Sum of Seven hundred & fifty pounds for the purpose of purchasing half of y^e Schooner Elizabeth & her Cargo; y^e said Vessel to be employd in bringing Lumber from Machias & other Eastern ports. [*Passed January 27.*]

CHAPTER 685.

RESOLVE ALLOWING £342. 18. 8 TO HONB^{LE} JOHN ADAMS, ESQ^R, FOR SERVICE AS A DELEGATE IN CONGRESS.

Resolved That there be paid out of the Public Treasury of this State to the Honb^{le} John Adam Esq^r the Sum of Three hundred Forty two Pounds, Eighteen Shillings & Eight Pence, in full Discharge of his Account and Services as Delegate for this State at Congress, from January Ninth to November Twenty Seventh, Seventeen hundred and Seventy Seven. [*Passed January 27.*]

Legislative
Records of the
Council,
xxxviii., 268.

CHAPTER 686.

RESOLVE IMPOWERING HOPESTILL LEALAND, ADMINISTRATOR, TO SELL REAL ESTATE.

ON THE PETITION of Hopstil Lealand Administrator on the Estate of Jonathan Holbrook Late of Sherburn Deceas^d Praying that he may be Impowered to make Sale of Two thirds of the Real Estate of Said Deceas^d

Legislative
Records of the
Council,
xxxviii., 269.
Mass.
Archives,
ccxvi., 425.

Resolved that the Petitioner be Impowered to make Sale of the Real Estate of Jonathan Holbrook Late of Sherburn Deceas^d (after the widows Dower is Set off) for the most the Same will fetch, he Observing the Rules of the Law for the Sale of Real Estates by Executors and Administrators and giving Security to the Judge of Probate for the County of Middlesex, that the Proceeds of Said Sale shall be applied for the Payment of the Said Jonathan Holbrooks Just Debts; the Overplus (if any there be) be Disposed off in the Same manner and for the Same use as the Said Real Estate would have been had it not Been Sold. [*Passed January 28.*]

Mass.
Archives,
ccxvi., 425¹,
426.

CHAPTER 687.

RESOLVE ON THE PETITION OF THE COMMITTEE OF CORRESPONDENCE OF MARBLEHEAD RESPECTING WILLIAM BODEN.

ON THE PETITION of the Committee of Correspondence, Safety & Inspection of the Town of Marblehead, shewing, that soon after Lexington Battle, one William Boden of s^d Town did remove himself, Family & visible Effects into the Government of Novascotia & on the seventh Instant returned to Marblehead aforesaid, and brought with him his Family & Effects to the amount of one Thousand Pounds, which Effects s^d Comittee took into their Possession in obedience to a Resolve of Congress of this State and obliged him to give Bonds for his Appearance, & praying for further directions how to proceed.

Legislative
Records of the
Council,
xxxviii., 269.
Mass.
Archives,
ccxvi., 427.

It appearing upon examination, that the said William had been a quiet inoffensive person before his removal from this State, and the said William declares he absolutely refused taking any active part with the Enemy while in Novascotia, that he went there to secure his property which then lay precarious, that he has been endeavouring a great while to return, and that he is heartily disposed to take an active part in defence of this Country against the British Foe &c; which declaration, in the Judgment of his former acquaintance is charitably supposed to be sincere therefore

Resolved that the said Committee be, & hereby are directed upon the said William giving Bonds himself as principal in the sum of two Thousand Pounds with two Sufficient sureties in the sum of one Thousand Pounds each; Conditioned that he the said William shall say or do nothing contrary to the measures that are or shall be taken by this or the other United States in defence of our Rights &c, but in all respects behave himself as a good and faithful subject of this State, and to the utmost of his power take an active part in the defence of this Country, and contribute thereto by his personal and other assistance when called upon and paying the Committees charges for taking care of s^d Effects &c; to let the said William into the free possession of his Effects and it is recommended to all good People while he the said William so behaves to treat him as a fellow Subject. [*Passed January 28.*]

CHAPTER 688.

RESOLVE ON THE PETITION OF CALEB BLANCHARD.

Legislative
Records of the
Council,
xxxviii., 270.
Mass.
Archives,
ccxvi., 429.

UPON THE PETITION of Caleb Blanchard praying that his Brother Daniel Bruce may be liberated from y^e Guardship under certain Restrictions &c

Resolved That the Prayer of the Petition be granted; that the Hon^{ble} Council be requested to permitt y^e said Daniel Bruce to reside at y^e House of y^e said Caleb Blanchard untill their Honours think proper to send him away in some Cartel Vessell, taking sufficient Security for the inoffensive Behaviour & safe Custody of said Bruce during his Residence in Boston. [*Passed January 28.*]

CHAPTER 689.

RESOLVE IMPOWERING BETTY WATERS, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 271.
Mass.
Archives,
ccxvi., 436.

ON THE PETITION of Betty Waters of Sutton in the County of Worcester Administratrix of the Estate of her late Husband Andreas Waters of said Sutton Deceased, praying for liberty to Sell Some Real Estate and buildings in the Town of Grafton in said County for the reasons Sett forth in said Petition

Resolved That the Prayer of said Petition be Granted and that the said Betty Waters in her said Capacity be, and is hereby fully impowred to make Sale of the Lands and buildings mentioned in said Petition for the most the Same will fetch and to make and Execute a good Deed or Deeds to the purchaser or purchasers, She observing the rules in the Law relating to the Sale of Real Estates by Executors and Administrators and giving Bonds to the Judge of Probate for the County of Worcester that the proceeds of said Sale be applyed & disposed of according to Law. [*Passed January 29.*]

Mass.
Archives,
ccxvi., 437.

CHAPTER 690.

RESOLVE ALLOWING £40 TO JOHN PECK FOR INSPECTING SALT-PETRE.

Legislative
Records of the
Council,
xxxviii., 272.
Mass.
Archives,
ccxvi., 431.

ON THE PETITION of John Peck praying an allowance for his service in Inspecting Salt Petre at the Commisaries store in Water-town in the year 1776.

Resolved that there be paid to the said John Peck out of the publick Treasury of this state the sum of Forty pounds in full for the service aforesaid. [*Passed January 29.*]

Mass.
Archives,
ccxvi., 432.

CHAPTER 691.

RESOLVE IMPOWERING RICHARD WYER, EXECUTOR, TO SELL REAL ESTATE.

ON THE PETITION of Richard Wyer Executor of the Last Will and Testament of Jonathan Goss Late of Townshend in the County of Middlesex Deceased Praying for Liberty to Sell the Lands mentioned in Said Petition

Legislative
Records of the
Council,
xxxviii., 273.
Mass.
Archives,
ccxvi., 438.

Resolved that the Prayer of the Petition be Granted and that the Said Richard Wyer in his Said Capacity be and is hereby Impowered to make Sale of the Lands & Buildings mentioned therein for the most the Same will fetch, and to make and Execute a good Deed or Deeds for the Same to the Purchaser or Purchasers, he Observing the Rules in the Law for the Sale of Real Estates by Executors and Administrators and Giving Bond to the Judge of Probate for the County of Middlesex that the Proceeds of Said Sale be Disposed of for the Bennefit of the Heirs at Law of the Deceased after the Just Debts are Discharged &c. [*Passed January 30.*]

Mass.
Archives,
ccxvi., 439.

CHAPTER 692.

RESOLVE DIRECTING THAT JOHN AMORY BE SENT UNDER GUARD TO RHODE ISLAND.

WHEREAS it appears to this Court that the Character & Conduct of John Amory, who lately came into this State from New York & Newport, is such as to render his residence here dangerous to the Safety of this & of the United States:

Resolved that the Said John Amory be forthwith sent at his own expence under a Sufficient Guard to Providence within the State of Rhode Island & there delivered to Gen^l Spencer, with a request that he would cause him to be kept in safe Custody until he can be sent to Rhode Island; & that the S^d Amory be not allowed to carry with him any letters or Money Bills of Exchange or other Effects, excepting what he brought with him, more than may be Sufficient to defray his expences until his arrival at Newport and that the Council be & hereby are requested to cause this Resolve to be carried into Execution. [*Passed January 30.*]

Legislative
Records of the
Council,
xxxviii., 273.
Mass.
Archives,
ccxvi., 440-443.

CHAPTER 693.

VOTE ON REPORT OF COMMITTEE RELATIVE TO REINFORCEMENTS
FOR THE CONTINENTAL ARMY.

Legislative
Records of the
Council,
xxxviii., 271.
Mass.
Archives,
ccxvi., 478.
Mass.
Archives,
ccxvi., 366.

THE COMMITTEE of both Houses appointed to Consider the Expediency of reinforcing the Army under the Command of his Excellency General Washington with a number of the Militia of this State, have attended that Service and report as their opinion that it is not Expedient at this time to order any reinforcements of the Army aforesaid in maner aforesaid, but that it is of the utmost Importance that some Effectual measures be immediately taken for the filling the several Battalions ordered to be raised in this State as their Quota.

All which is humbly Submitted

JER: POWELL p order.

In Council

Read & Accepted

In the House of Representatives.

Read & concurred. [*Passed January 31.*¹]

CHAPTER 694.

RESOLVE APPOINTING A COMMITTEE TO PROCURE BLANKETS,
ETC., FOR THE ARMY.

Legislative
Records of the
Council,
xxxviii., 274.
Mass.
Archives,
ccxvi., 480.

WHEREAS the Army is under the most pressing necessity for Blankets, Stockings and Shoes, and it being of the last importance that these Articles shou'd be procured so soon as may be:

It is therefore

Resolved That Caleb Davis Esq^r Capt George Williams & M^r Ellis Gray be a Committee to purchase any Blankets, Stockings and Shoes that the Deputy Clothier General declines purchasing on account of the high prices at which the Possessors of those Articles hold them; that said Committee offer any such Possessor such Prices therefor as they judge reasonable, and if he shall refuse delivering any of the aforesaid Articles on such Terms, then the said Committee are hereby impowered and directed in the Name of the State to seize them for the Use of the Army, and to cause them to be appraised by two or more judicious disinterested Persons under Oath, as the said Committee and Possessor shall agree on; and in case they do not agree, they two shall appoint a third Appraiser, and if the Possessor or Possessors shall refuse to appoint any Person to appraise said Goods, the Committee aforesaid are hereby impowered and directed to appoint two Persons for that purpose.

And the said Committee are also impowered & directed by the Authority aforesaid to require all Aid and Assistance necessary for this purpose, and every Person refusing any aid which shall be required of him as aforesaid, shall forfeit and pay to the Use of the Public the Sum of One Hundred Pounds or suffer six month imprisonment. And the abovemention'd Committee are further directed to deliver the Deputy Clothier General, the whole of the Articles they receive into their hands in consequence of this Order, receiving of him the Cash to make payment therefor. [*Passed January 31.*]

Mass.
Archives,
ccxvi., 444-
446.

¹ This date is January 28 according to Legislative Records of the Council.

CHAPTER 695.

RESOLVE ON THE PETITION OF HUGH ORR.

UPON THE PETITION of Hugh Orr of Bridgewater, praying that the State Furnace in said Bridgewater under his Direction may be supplyd with wood, Coal & Ore from a Tract of Land lying in the Town of Taunton, consist^g of about Eleven hundred Acres, formerly owned by John Borland, late of Boston.

Legislative
Records of the
Council,
xxviii., 276.
Mass.
Archives,
ccxvi., 479.

Resolved that the prayer of the Petition be granted, and that the Committee of Safety & Correspondence of the said Town of Taunton be empowered & directed to view the premises and direct the said Orr where it may be least injurious to the land to cut said wood & dig said Ore, and from time to time determine the value of said wood & Ore and keep an exact acco^t of the quantity of each, and they also are directed that no part of said wood or Ore be disposed of for any other than the purpose aforesaid. [*Passed January 31.*]

Mass.
Archives,
clxxxiii., 387.

CHAPTER 696.

VOTE ON THE REPORT OF THE COMMITTEE ON THE PETITION OF JOHN AMORY.

THE COMMITTEE of both Houses, on the within petition [of John Amory] report that the prayer thereof be so far granted as that the Sd John Amory be Suffered to remain in Boston under the care of the Sheriff of the County of Suffolk, to be confined in some safe & suitable place until Monday morning next, & that he be allowed to take with him a Servant, provided such Servant is willing to leave this State with Sd Amory and the name of such servant & the Town to which he belongs be returned before his departure into the Office of the Secretary of this State; and that Sd Amory have liberty to take with him such of his children as he may think proper, said Children & Servant to be restricted from carrying with them any Papers or Effects excepting their wearing Apparel & such small Articles as may be necessary for their Journey. Which is Submitted

Legislative
Records of the
Council,
xxviii., 276.
Mass.
Archives,
ccxvi., 455.
Mass.
Archives,
ccxvi., 455.

SEVER ~~p~~ ord^r.

In the House of Representatives
Read & Passed
In Council
Read & Concurred. [*Passed January 31.*]

CHAPTER 697.

RESOLVE ALLOWING £841. 8. 4 TO HON. WILLIAM SEVER, ESQ^r.

Legislative
Records of the
Council,
xxviii., 277.
Mass.
Archives,
ccxvi., 452.

ON THE PETITION of the Honble William Sever Esq^r

Resolved that the said William Sever Esq^r Receive out of the Publick Treasury of this State Eight hundred forty one Pounds Eight Shillings & four Pence in full of his account for Building the Brigantine Independence and furnishing her with sundry Stores for two Cruizes. [*Passed January 31.*]

Mass.
Archives,
ccxvi., 453.

CHAPTER 698.

RESOLVE ON THE PETITION OF URIAH WRIGHT.

Legislative
Records of the
Council,
xxxviii., 277.
Mass.
Archives,
ccxvi., 458.

Mass.
Archives,
ccxvi., 457.
Province Laws,
xix., 829,
chap. 925.

ON THE PETITION of Uriah Wright in Behalf of the Select men of the Town of Hollis in the State of New Hampshire, Setting forth that one Eli Stiles of said Hollis did inlist himself into the Service for the Town of Littleton in this State, and was Mustered by James Barret Esqr and Received the Continental and this State Bounty; and whereas said Eli Stiles is also Inlisted in said Hollis and Reckoned for a Souldier for said Town and also Reckoned for a Souldier in said Town of Littleton

Resolved that it appears to this Court that the said Eli Stiles ought to be considered as a Souldier for the Town of Hollis, he belonging to said Town and not to be reckoned for the Town of Littleton and that upon the said Uriah Wright's paying back to James Barrett Esqr both the Continental and this States Bounty, the said Eli Stiles be discharged from being a souldier for said Littleton, the said James Barret Esqr to be Accountable to this Court for the Bounties aforesaid. [*Passed January 31.*]

CHAPTER 699.

RESOLVE ON THE PETITION OF STEPHEN CROSS AND RALPH CROSS.

Legislative
Records of the
Council,
xxxviii., 259.
Mass.
Archives,
ccxvii., 8.

Mass.
Archives,
ccxvii., 9.

ON THE PETITION of Stephen & Ralph Cross: praying the Court to grant them a Sum of Money for the Use of John Allan Esq Continental Agent of Indian affairs in y^e Eastern Department

Resolved that the prayer of the Petition be So far granted that the Treasurer of this State be directed to pay to the Petitioners for the use of y^e s^d John Allan Esq^r the Sum of three Hundred pounds as Soon as the State of the Treasury will admit of the Same; Said Petitioners to be accountable to this Court for the same untill the Said Jn^o Allan Esq^r as Continental agent as aforesaid shall by Writting under his Hand or in some other Way make himself accountable for the Same and no longer. [*Passed February 2.*]¹

CHAPTER 700.

RESOLVE ON THE PETITION OF THE ASSESSORS OF THE TOWN OF IPSWICH.

Legislative
Records of the
Council,
xxxviii., 275.
Mass.
Archives,
ccxvi., 459.

Mass.
Archives,
ccxvi., 460-476.
Legislative
Records of the
Council,
xxxviii., 53,
96 *ter.*

THE COM^{TEE} of both houses appointed to take into Consideration the petition of the Assessors of the Town of Ipswich &c report That they have attended that Service and having fully heard the parties, it appears that the Assess[ors] have . . . ² the facts and that the Ass[essment] was . . . ² on principles . . . ² and that the same ought to be confirmed & made Valid and therefore report the following Resolve

OLIVER PRESCOTT *pr* order

Resolved That the prayer of the petition of the Assessors of the Town of Ipswich be granted and that the Assessment therein mentioned be and hereby is made Valid to all intents and pur-

¹ This date is January 24 according to Legislative Records of the Council.

² MS. mutilated.

poses, and this Resolve may be pleaded in Bar to any Suit that hath been or shall be brought [by]¹ any person to nulli[fy said]¹ Assessment, any [Law, Custom or Usage to the]¹ Contrary notwithstanding.

In Council

Read & accepted

In the House of Representatives

Read & concurred. [*Passed February 2.*]²

CHAPTER 701.

RESOLVE ON THE PETITION OF HANNAH THOMAS.

ON THE PETITION of Hannah Thomas Executrix to the last [Will and]¹ Testament of John Thomas Esq Late of Kingston in [the County]¹ of Plimouth Deceas^d, Praying for an allowance [for keeping]¹ the Light House on the Gurnett at the entrance [of Pl]¹mouth Harbour one year five months and Nine days [ending the]¹ 23 Day of April 1775 at which time the Lights were Extinguished.

Legislative
Records of the
Council,
xxxviii., 278.
Mass.
Archives,
ccxvii., 15.

Mass.
Archives,
ccxvii., 16.
Province Laws,
cxviii., 769,
chap. 118.

Resolved that there Be allowed and Paid out of the Treasury of this State to Hannah Thomas the Petitioner in Her Said Capacity the Sum of Eighty Six Pounds ten Shillings in full for the Services as aforesaid. [*Passed February 2.*]

CHAPTER 702.

VOTE ON REPORT OF COMMITTEE RESPECTING THE COMPLAINT OF ROBERT PIERPOINT, COMMISSARY OF PRISONERS, AGAINST CAPT. JOHN AYRES.

THE COMMITTEE of both Houses to whom was referred [the Complaint]¹ of Robert Pierpoint, Esq^r, against [Cap^t John Ayres]¹ and the Complaint of Cap^t Ayers against [M^r Pierpoint]¹, have attend[ed]¹ that service & beg leave [to report]¹ that the Complaints exhibited by Cap^t [Ayres against M^r Pier]¹point as [Commissary]¹ of Prisoners, are in the opinion of your Committee without foundation, they having discovered nothing in his conduct relative to y^e charges brought against him by s^d Ayers inconsistent with his duty as Commissary of Prisoners.

Legislative
Records of the
Council,
xxxviii., 278.
Mass.
Archives,
ccxvii., 3.

Mass.
Archives,
ccxvi., 434, 435;
ccxvii., 4-7.

That with respect to the Complaints made by M^r Peirpoint against Cap^t Ayres, your Committee are of opinion that in some instances they are supported by sufficient evidences, & in other parts of said Ayers's conduct the presumption seems to be against him, upon y^e whole your Com^{tee} see no reason to blame M^r Peirpoint for dismissing Cap^t Ayers from any further services.

Which is Humbly submitted.

CALEB CUSHING p order

In Council

Read & accepted

In the House of Representatives

Read & concurred. [*Passed February 2.*]

¹ Inserted from Legislative Records of the Council.

² This date is January 31 according to Legislative Records of the Council.

CHAPTER 703.

RESOLVE FOR CONTINUING THE GUARDS AT CAMBRIDGE.

Legislative
Records of the
Council,
xxxviii., 279.
Mass.
Archives,
ccxvii., 10.

Resolved that the Men employed as Guards to the Troops of the Convention now doing duty at Cambridge, be and hereby are continued in that Service until the third day of April next, unless sooner discharged, and no longer; and that all the monies due to them from this State for their past service, be immediately paid them, and that each noncommissioned Officer and private Soldier doing duty there shall receive the further addition of Twenty Shillings ϕ month for their future service, to commence from the third day of Febua^y next. [*Passed February 2.*]

CHAPTER 704.

RESOLVE ON THE PETITION OF ABIGAIL WHIPPLE.

Legislative
Records of the
Council,
xxxviii., 279.
Mass.
Archives,
clxxxiii., 359.
Mass.
Archives,
clxxxiii., 358.

Resolved that the Com^{tee} of Sequestration be & hereby are directed to deliver to Abigail Whipple or order, the Family Pictures of Silvester Gardiner now in said Committees hands, any Act or Resolve of this Court to the contrary notwithstanding. [*Passed February 2.*]

CHAPTER 705.

RESOLVE ON THE PETITION OF CAPT. JOAB STAFFORD.

Legislative
Records of the
Council,
xxxviii., 280.

ON THE PETITION of Captain Joab Stafford in behalf of himself and Lieutenant Dydymus Parker and John Wilmuth.

Resolved That there be paid out of the Treasury of this State to the said Stafford, the Sum of Thirty nine Pounds two Shillings; to the said Parker, Eight Pounds five Shillings; and to the said Wilmuth, thirteen Pounds nineteen Shillings and four pence; in full for loss of time, expences incurred for Nursing and Surgeons Accounts, by reason of the wounds they received in the action at Bennington on the Sixteenth of August last. [*Passed February 2.*]

CHAPTER 706.

RESOLVE ON THE PETITION OF JOSEPH NYE AND CALEB HYDE.

Legislative
Records of the
Council,
xxxviii., 280.

UPON THE PETITION of Joseph Nye and Caleb Hyde, Praying payment of money expended in raising Soldiers in Seventeen hundred and Seventy Six.

Resolved That there be paid out of the Treasury of this State to Joseph Nye, Esq^r, the Sum of Nine Pounds Eight Shillings, and to Caleb Hyde, the further Sum of Twenty six Pounds Eighteen Shillings; it being money they expended in raising Men for the Northern and Southern Departments in the Year Seventeen hundred and Seventy Six, more than they received out of the Treasury, as appears by the original inlistments deposited in the hands of a Committee of the House appointed to settle such Accounts. [*Passed February 2.*]

CHAPTER 707.

RESOLVE ON THE PETITION OF ALEXANDER SHEPARD, JUN^R, AND
OTHERS OF NEWTON.

ON THE PETITION of Alexander Shepard, Jun^r, and others, Inhabitants of the westerly part of the town of Newton, praying relief from the extraordinary charges which are incur'd by the support of the Gospel in two places in said town.

Resolved that the Petitioners notify the adverse party to appear at the second Tuesday of the next sitting of this Court, by serving the Clerk of said Newton, with an attested copy of this Petition with this Order thereon, at least fourteen days before the day above prefixed, that they may then shew cause if any they have, why the prayer of the Petition shall not be granted. [*Passed February 2.*]

Legislative
Records of the
Council,
xxxviii., 279.
Mass.
Archives,
ccxvii., 14.

Mass.
Archives,
ccxvii., 10-13.

CHAPTER 708.

RESOLVE IMPOWERING MAJ. GEN^L HEATH TO ESTABLISH INOCU-
LATING HOSPITALS FOR RECRUITS.

THE COMMITTEE appointed to consider the within Letter [Gen^L Heath's] beg leave to report by way of Resolve.

JOHN TAYLOR p Order

Resolved that Major General Heath be & he hereby is empowered to improve the five houses known by the name of aries little in West Springfield, for Inoculating the Continental Troops with the Small Pox, he paying the proprietors a reasonable rent for the same, and in case they shall not be sufficient for the above purpose, in that case the Barracks at Sewalls Point may be improved for Inoculating the Troops.

In the House of Representatives

Read & accepted

In Council

Read & Concurred. [*Passed February 3.*¹]

Legislative
Records of the
Council,
xxxviii., 280.
Mass.
Archives,
ccxvii., 17.

Mass.
Archives,
ccxvii., 18.

CHAPTER 709.

RESOLVE ON THE PETITION OF CHARLES WHITE.

ON THE PETITION of Charles White, Praying for a consideration for the loss of a Horse on the Nineteenth of April Seventeen hundred and Seventy five.

Resolved That the Prayer of the Petition be granted, and that there be paid out of the Publick Treasury of this State to the said Charles White, Eighteen Pounds in full for said Horse, Saddle and Bridle. [*Passed February 3.*]

Legislative
Records of the
Council,
xxxviii., 281.

¹ This date is February 2 according to Legislative Records of the Council.

CHAPTER 710.

RESOLVE ON THE PETITION OF COL^d MILES POWELL.

Legislative
Records of the
Council,
xxxviii., 281.

ON THE PETITION of Colonel Miles Powell.

Resolved That there be paid out of the Treasury of this State to the said Powell, the sum of Four Pounds Ten Shillings in addition to the Sum of Five Pounds, Eight Shillings & Eight pence two Farthings, in full for his service in the American Army at Cambridge as a Lieutenant Colonel from the Twenty second Day of April Seventeen hundred Seventy five to the Twenty second of May following. [*Passed February 3.*]

CHAPTER 711.

RESOLVE IMPOWERING JONATHAN PORTER, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative
Records of the
Council, 282.
Mass.
Archives,
ccxvii., 19.

ON THE PETITION of Jonathan Porter, Administrator on the Estate of Nathaniel Jenkins, late of Malden in the County of Middlesex dec^d, praying for leave to sell the Real Estate of said Jenkins for reasons in the Petition mentioned.

Mass.
Archives,
ccxviii., 20, 21.

Resolved that the Prayer of the Petition be granted, and that the said Jonathan be and he hereby is empowered to sell the Estate in said Petition mentioned for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds to the person or persons purchasing the same, he observing the rules of the law in the sale of Real Estates by Executors & Administrators, and giving bond to the Judge of Probate for said County, that the proceeds of said sale shall be appropriated to the discharge of the debts of the said Jenkins, and the remainder thereof to be disposed of according to law saving the Widdow's Right of Dower in the said Estate. [*Passed February 3.*]

CHAPTER 712.

RESOLVE ON THE LETTER OF ROBERT BRECK RELATIVE TO THE TRANSPORTATION OF STATE STORES.

Legislative
Records of the
Council, 282.
Mass.
Archives,
ccxvii., 22.

ON THE LETTER from M^r Robert Breck to Caleb Davis, Esq^r, praying that a Committee might be appointed by the General Court, to examine the accounts of services, damages & expences sustained by people in Northampton by transporting the State Stores, who were impress'd for that purpose.

Mass.
Archives,
ccxvii., 23.

Resolved that Simeon Parsons, Jacob Parsons & Joseph Cook, all of Northampton; or either two of them, be and they hereby are appointed a Committee to hear the people who were impressed last winter to transport the State Stores from Northampton towards Albany, and to consider what particular expences & losses they sustain'd in their Teams or otherwise, by transporting the said Stores and to make them such reasonable compensation therefor as they shall think proper; and the Committee appointed to forward said Stores, are hereby directed to pay such sums to the people aforesaid as the said Simeon Parsons, Jacob Parsons & Joseph Cook, or either two of them, shall appoint; which said sums when paid shall be in full discharge of all services, expences & damages sustained as aforesaid. [*Passed February 3.*]

CHAPTER 713.

RESOLVE IMPOWERING JOHN MINOT, ADMINISTRATOR, TO SELL
REAL ESTATE.

ON THE PETITION of John Minot, Administrator on the Estate of Jonathan Harwood, Jun^r, late of Chelmsford Deceased, praying for liberty to sell the lands mentioned in said Petition.

Resolved that the Prayer of the Petition be granted and that the said John Minot in his said Capacity, be and is hereby impowred to make sale of the lands and buildings mentioned therein for the most the same will fetch, and to make and execute a good Deed or Deeds for the same to the purchaser or purchasers, he observing the rules in the law for the sale of Real Estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Middlesex, that the proceeds of said sale be disposed of, one third part of the interest thereof to the Widow during life and the remainder to and amongst the heirs according to law. [*Passed February 3.*]

Legislative
Records of the
Council,
xxxviii., 283.
Mass.
Archives,
ccxvii., 25.

Mass.
Archives,
ccxvii., 26.

CHAPTER 714.

RESOLVE ESTABLISHING THE WAGES, ETC., OF THE GUARD AT
GROTON.

Resolved that there be allowed [and paid]¹ out of the publick Treasury of this [State]¹ unto the men stationed at [Groton, for]¹ a Guard the same wages & ra[tions that]¹ are allowed to the Sea Coast men. [*Passed February 3.*]

Legislative
Records of the
Council,
xxxviii., 283.
Mass.
Archives,
ccxvii., 27.

CHAPTER 715.

RESOLVE IMPOWERING COL^o MOSES HAZEN, DEPUTY QUARTER-
MASTER GENERAL, TO IMPRESS TEAMS, ETC., FOR THE TRANS-
PORTATION OF PROVISIONS.

THE COMMITTEE of both Houses appointed to consider General Gates' orders to Colonel Moses Hazen, &c, have attended that service and report the following Resolves.

ARTEMAS WARD p order

Resolved that Colonel Moses Hazen, Deputy Quarter-Master General in the Northern Department, be and he hereby is authorized and impowred in case of necessity to Impress such and so many drivers, teams and carriages in the Counties of Hampshire & Berkshire, as he shall stand in need of for the purpose of transporting Provisions from the Western parts of this State to the Northward, he paying the owners or drivers of the same a reasonable sum for their time & use & service of his and their teams & carriages he shall so Impress.

Resolved that Major General Heath be and he hereby is impowred to appoint and commissionate a suitable Subaltern in the Eastern parts of this State, and order him to raise twelve able bodied effective men and order the said officer to march them

Legislative
Records of the
Council,
xxxviii., 284.
Mass.
Archives,
ccxvii., 30.

¹ Inserted from Legislative Records of the Council.

from the Eastern parts of this State towards Canada, in such manner as General Heath shall think most expedient.

In the House of Representatives

Read & accepted

In Council

Read & Concurred. [*Passed February 3.*]

CHAPTER 716.

Legislative
Records of the
Council,
xxxviii., 284.
Mass.
Archives,
ccxvii., 31.

RESOLVE DIRECTING THAT MOSES MACKINTOSH SERVE WITH GARRISON AT CASTLE ISLAND.

Resolved that the Commanding Officer at Castle Island be & he hereby is directed to receive Moses Mackintosh (who was formerly a Sergeant there) into the pay & service of this State at that Island, there to do duty & to receive pay & rations as other Private Soldiers of that Garrison. [*Passed February 3.*]

Mass.
Archives,
ccxxvi., 43.

CHAPTER 717.

RESOLVE APPOINTING COMMITTEES TO PROCURE RETURNS OF THE MALE INHABITANTS THROUGHOUT THE STATE.

Legislative
Records of the
Council,
xxxviii., 284.
Mass.
Archives,
ccxvii., 32, 33.

Province Laws,
xix., 725,
chap. 680.

NOTWITHSTANDING repeated Orders have issued from this Court, calling upon the Selectmen & Committees of the several Towns & Plantations in this State, to make returns of all the Male Inhabitants in their respective Towns & Plantations above the Age of 16 Years, and upon the Militia Officers to make returns of all the Men inlisted into the Continental Army from such Towns or Plantations or drafted to serve for eight Months: yet a considerable part of said Selectmen, Committees and Officers have either neglected to make any returns, or have made such as are deficient and irregular, & it being absolutely necessary that compleat returns should be immediately made and the Continental Battalions Completed, It is

Resolved That Thomas Crane, Esq^r, Coll Benjamin Hawes & M^r John Goddard of Brookline, be a Committee to go into the County of Suffolk; and Cap^t Joseph Hosmer, Capt Jonathan Stickney & Amos Perry of Sherburne, into the County of Middlesex; and Gen^l Farley Nath^l Lovejoy & M^r Will^m Shellaby into the County of Essex; and George Partridge, Esq^r, & Cap^t David Kingman into the County of Plymouth; and Joseph Nye, Esq^r, of Sandwich into the County of Barnstable; and Tho^s Durfey, Esq, & M^r Elkanah French into the County of Bristol; and Brigadier Jonathan Warner, Israel Nichols, Esq, Captain Abijah Lamb of Charlton, Coll Moses Wheelock of Westborough, and Lieut Paul Kindall of Templeton, into the County of Worcester; and Benjamin Mills, Esq, M^r Jonathan Thompson, of Brimfield, and Coll Daniel Whitmore of Sunderland, into the County of Hampshire; and Cap^t Silas Goodridge, Cap^t Oliver Belding & Cap^t David Wheeler into the County of Berkshire; and Brigad^r John Frost into the County of York; and Capt Briant Morton & Maj^r Daniel Hsley into the County of Cumberland; and said Committees are hereby authorised and required forthwith to call upon the Selectmen of the several Towns, and Committees of Correspondence &c of the several Plantations within their respective Counties, to make immediate returns to them the said Committees respec-

tively of the Number of all the Male Inhabitants of 16 Years old and upwards, at home and abroad, including as well, those far advanced in Age, Sick, Decrepid, Paupers, those who have been driven from Boston and other Towns in this State by the Enemy, Negroes, Indians, and Molattoes, who were resident in the Town where such return is to be made on the first Day of January 1777, as those who then belonged to the Train Band and Alarm-List (except Prisoners of War and the People called Quakers), unless it shall be made certainly to appear to the said Committees, that such returns have been already made and actually lodged in the Secretaries Office, agreeable to a Resolve of this Court of December 10th, 1776.

And the said Committees are also authorised and required to call upon the Militia Officers of every rank & upon y^e Select Men where there are no Militia Officers to make immediate returns to them the said Committees respectively, of all the Men inlisted into the Continental Army and of those drafted for eight Months from their respective Brigades, Regiments, Towns, Plantations and Companies, agreeable to a Resolve of this Court of ye 15th of August last, unless it shall appear as above, to the said Committees, that such compleat & authentick returns have been already made.

And the said Committees are also directed to call upon the Militia Officers, Selectmen, and Committees of the several Towns and Plantations, forthwith to compleat their respective Quotas of Men for the Continental Army, as they regard the Safety of the United States and would avoid the pains and penalties of the Laws or Resolves in that case provided; and the Chairman of each of the said Committees are hereby directed to report on or before the 20th Day of Feb^y Instant, the returns they shall receive & the names of all such Selectmen, Committees of Correspondence & Military Officers as have neglected the duties required of them by the Resolve of the 15th of August last & incurred the penalties thereof: and it is further

Resolved that the Attorney General be & hereby is directed to commence prosecutions & pursue them to final judgment & execution against all such Selectmen, Committees & Military Officers as have incurred the penalties of the Resolve of the 15th of August last, provided they shall not by the first day of March next have fully complied with the requisitions of the same.

And be it further

Resolved that the beforementioned returns shall be made on oath before a Justice of the Peace, the Town Clerk or some one Member of the Committee appointed by this Resolve, who are hereby authorised to administer the same.

And be it also

Resolved that the Form of the Returns of the Men raised for the Continental Army shall be in the Form following, viz^t

Names of men engaged in service.	Towns they belong to.	Towns for which they are inlisted or hired.	Captains under whom they inlisted.	Colonels under which they serve.	Time when their engagements end.	State for which they inlisted.

[Passed February 3.

CHAPTER 718.

RESOLVE IMPOWERING EPHRAIM SAWYER AND KEZIAH SAWYER,
ADMINISTRATORS, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 287.
Mass.
Archives,
ccxvii., 34.

Mass.
Archives,
ccxvii., 35-38.

ON THE PETITION of Ephraim Sawyer and Keziah Sawyer, Administrators on the Estate of Ezra Sawyer, late of Lancaster Deceased setting forth the difficulties there are in settling said Deceased's Estate as sett forth in said Petition —

Resolved that the Prayer of said Petition be so far granted that the said Ephraim Sawyer and Keziah Sawyer in their said capacity, with the advice and direction of the Selectmen of said Lancaster, be and are hereby impowred to settle said Estate and if need be to sell any part of the Real Estate of the deceased for the payment of the debts mentioned in said petition, and to make and execute good Deeds in the law to the purchasers, and to do and perform in all matters relating to the settlement of said Estate in as full and ample a manner to all intents and purposes whatsoever, as the said Ezra Sawyer might or could have done in his lifetime, giving proper security to the Judge of Probate for the County of Worcester to account for their proceedings in the premises when thereto required; provided always that said Select Men, or Guardians to the Children when appointed, take proper care that the interest in said Estate be secured to said Children being Minors. [*Passed February 4.*]

CHAPTER 719.

RESOLVE AUTHORIZING THE DEPUTY CLOTHIER GENERAL TO AP-
POINT INSPECTORS OF CLOTHING.

Legislative
Records of the
Council,
xxxviii., 288.
Mass.
Archives,
ccxvii., 39.

Resolved that M^r Otis, Deputy Clothier General, be requested to appoint two judicious faithful Tailors as Inspectors of Cloathing, whose duty it shall be carefully to examine every garment that is or shall be made for the use of the Army (not already sent forward), and receive none but such as are made in such manner as will effectually answer the purpose for which they are designed; that he be also requested to give particular orders to the said Inspectors concerning this business and cause them to be under oath faithfully to discharge the duty of their appointment. [*Passed February 4.*]

CHAPTER 720.

RESOLVE TO SUSPEND FILLING VACANCIES IN THE CONTINENTAL
REGIMENTS.

Legislative
Records of the
Council,
xxxviii., 288.
Mass.
Archives,
ccxvii., 41, 42.

Mass.
Archives,
ccxvii., 40.

WHEREAS by a Resolve of Congress dated Decem^r 31st, A.D. 1777, it has been recommended to the several States to suspend filling up any Vacancies in their respective Regiments untill they shall hear further from Congress on the Subject:

Resolved that the filling up of any Vacancy in any Regiment of the Continental Army belonging to this State be and hereby is suspended accordingly. [*Passed February 4.*]

CHAPTER 721.

RESOLVE ON THE PETITION OF SAMUEL STUBBS.

ON THE PETITION of Samuel Stubbs, Praying a consideration for inlisting fifteen Men for the Continental Army and wages.

Legislative
Records of the
Council,
xxxviii., 288.

Resolved That there be allowed and paid out of the Treasury of this State to the Petitioner the sum of Six pounds in full consideration for his inlisting said Men. [*Passed February 4.*]

CHAPTER 722.

RESOLVE AUTHORIZING THE APPOINTMENT OF A NAVAL OFFICER
IN DUKES COUNTY.

ON THE PETITION of a number of the Inhabitants of the Town of Tisbury, in Duke's County, setting forth the great inconvenience that they labour under for want of a Naval Officer.

Legislative
Records of the
Council,
xxxviii., 288.
Mass.
Archives,
ccxvii., 45.

Resolved that there shall be a Naval Officer appointed in Duke's County for the purpose of Entring & Clearing such Vessels as go in or out at the several Ports, & Harbours in said County, agreeable to the laws of this State. [*Passed February 4.*]

Mass.
Archives,
ccxvii., 46.

CHAPTER 723.

RESOLVE DIRECTING THE BOARD OF WAR TO IMPORT FLOUR FOR
THE ARMY.

WHEREAS by a Resolution of Congress of the 14th of January, 1778, the Board of War of this State is requested to Import a quantity of Flour for the Use of the Continental Army for the next Campaign, Therefore

Legislative
Records of the
Council,
xxxviii., 289.
Mass.
Archives,
ccxvii., 47.

Resolved that the Board of War be desired to carry said Resolution into execution in the best and speediest manner in their power. [*Passed February 4.*]

CHAPTER 724.

RESOLVE DIRECTING LEVI SHEPHARD, COMMISSARY, TO TRANSPORT CLOTHING AND SMALL STORES FROM KINDERHOOK TO PENNSYLVANIA.

WHEREAS great complaints are made by that part of the army raised in this State, & now doing duty in the State of Pennsylvania, for want of Small Stores, which were promised them by this State, and as it appears to this Court that a considerable quantity of said Stores designed for said Troops are now lodged at Kinderhook under the care of Levi Shephard, Esq^r, Commisary of Said Stores:

Legislative
Records of the
Council,
xxxviii., 289.
Mass.
Archives,
ccxvii., 48.

it is therefore

Resolved that the said Levi Shephard, Esq^r, be & he is hereby directed to take the most effectual measures to transport said Stores, together with any others he may receive for that purpose, as also any Cloathing he may have on hand designd for said

Mass.
Archives,
ccxix., 1.

Troops, to such place as he shall Judge most convenient for issuing them out, agreeable to former orders from this Court, and it is earnestly recommended to the Comanding officer in any place through which said Stores may pass, to give the said Commissary or his deputy all the assistance in their power. [*Passed February 4.*]

CHAPTER 725.

RESOLVE APPOINTING A COMMITTEE TO MAKE ENQUIRY CONCERNING PROVISIONS, ETC., SUPPLIED THE ENEMY.

Legislative
Records of the
Council,
xxxviii., 289.
Mass.
Archives,
ccxvii., 44.

WHEREAS sundry persons were by this Court yesterday appointed to go into the several Counties & Towns within this State, & make particular enquiry into the reasons of the Deficiency of the number of Men heretofore ordered to be raised for Reinforcing the Continental Army, & report to this Court on or before the 20th instant; and Whereas this Court hath received information that Supplies of provisions of various kinds have been sent from, or thro this State to our Enemies the British Troops by the way of Nantucket, or thro some other channel: Therefore

Resolved that Thomas Durfee, who is appointed to go into the County of Bristol, George Partridge into y^e County of Plymouth & Joseph Nye into the County of Barnstable, for the purpose above-mentioned, be & they are hereby impowered & directed also to make strict enquirey & get all the intelligence they can respecting such Supplies of provisions, & report at their return, that so proper measures may be taken for the punishment & prevention of such vile practices. [*Passed February 4.*]

CHAPTER 726.

RESOLVE ALLOWING £30 TO CAPT. BRIANT MORTON.

Legislative
Records of the
Council,
xxxviii., 290.
Mass.
Archives,
ccxvii., 43.

Resolved that there be paid out of the publick Treasury of this State the sum of Thirty pounds to M^r Briant Morton, the Chareman of the Committee to go to the County of Cumberland for the purpose of collecting the returns of the Number of Male Inhabitants in each Town in the said County, to enable him to prosecute the business abovementioned, he being accountable to this Court therefor. [*Passed February 4.*]

CHAPTER 727.

RESOLVE ALLOWING ADDITIONAL PAY TO COMMISSARIES AND THEIR DEPUTIES.

Legislative
Records of the
Council,
xxxviii., 291.
Mass.
Archives,
ccxvii., 49.

Resolved that there be allowed & paid to Hezekiah Smith, Esq^r, Commissary of Small Stores for the Northern Department, and to Levi Shephard, Esq^r, Commissary of said Stores for the Southern Department, Four pounds \varnothing Month each in addition to Sixteen pounds \varnothing month heretofore allowed them, and that Forty Shillings \varnothing month be allowed to each of their Deputies in addition to Eight pounds \varnothing m^o heretofore allowd them, said additional pay for the Commissaries and their Deputies to commence from & after the first day of January last. [*Passed February 5.*]

CHAPTER 728.

RESOLVE APPOINTING A COMMITTEE TO ASSIST THE DEPUTY
QUARTER-MASTER GENERAL TO PROCURE TEAMS.

ON A LETTER from Gen^l Heath requesting y^e interposition of this Court in procuring Teams to send forward Stores to y^e Army.

Resolved That M^r W^m Henry Prentice & M^r Abner Ellis be & they are hereby appointed a Com^{ee} to advise & assist the D^y Q. M. Gen^l in procuring teams to forward y^e Publick Stores to the Army, & s^d Comm^{ee} are hereby impowered & directed to impress Teams for that purpose if they shall judge it necessary. [*Passed February 5.*]

Legislative
Records of the
Council,
xxxviii., 292.
Mass.
Archives,
ccxvii., 50.

CHAPTER 729.

RESOLVE APPOINTING CAPT. EBENEZER WALES ON THE COMMITTEE TO PROCURE RETURNS OF MALE INHABITANTS.

Resolved that Cap^t Ebenezer Wails be & he hearby is appointed in the room of Thomas Crane on the Committee appointed to go into the several Towns in order to get a return from the Selectmen, Militia Officers, Committees, &c, of the number of Inhabitants from sixteen years old and upwards, the number of men engaged in the Continentall Sarvice for three Years or During the War, &c. [*Passed February 5.*]

Legislative
Records of the
Council,
xxxviii., 292.
Mass.
Archives,
ccxvii., 54.

CHAPTER 730.

RESOLVE IMPOWERING AARON READ, GUARDIAN, TO SELL REAL ESTATE.

ON THE PETITION of Aaron Read, Guardian to Mercy Peck & Rebekah Peck, Praying that he may be impowered to make sale of the Real Estate of the s^d Mercy & Rebekah, and to be applied to the use as set forth in s^d Petition.

Resolved that the Prayer of the Petition be granted and that the Petitioner be and he is hereby impowered to make sale of the Real Estate in said Petition mentioned for the most that it will fetch, and make and execute a good Deed or Deeds thereof to the purchaser or purchasers, he observing the rules and directions in the law for the sale of Real Estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Bristol that the proceeds of said sale shall be applied for the payment of y^e just debts and charges, and the remainder thereof for the support of said family as set forth in said Petition, they being Non compos mentis and under the care of the Selectmen of the Town of Rehoboth. [*Passed February 5.*]

Legislative
Records of the
Council,
xxxviii., 293.
Mass.
Archives,
ccxvii., 57.

Mass.
Archives,
ccxvii., 58-60.

CHAPTER 731.

RESOLVE DIRECTING COL^O JABEZ HATCH TO DETACH MEN FOR
GUARD DUTY IN BOSTON.

Legislative
Records of the
Council,
xxxviii., 295.
Mass.
Archives,
ccxvii., 55.

Resolved that Jabez Hatch, Esq^r, Colonel of the Boston Regiment, be and he hereby is directed and required forthwith to detach from his Regiment a Guard to consist of, at least, One hundred and fifty Men including Officers, to do duty within the Town of Boston for the space of Forty Eight hours in such manner and at such places within said Town as General Heath shall direct. [*Passed February 5.*]

CHAPTER 732.

RESOLVE ON THE PETITION OF JOHN TODD.

Legislative
Records of the
Council,
xxxviii., 292.
Mass.
Archives,
ccxvii., 61, 62.
Mass.
Archives,
ccxvii., 63.

ON THE PETITION of John Todd, praying that he may be permitted to depart from this State with a Schooner called the Friendship, loaded with the produce of the Country for the Island of Bermuda, he having brought from thence in said Vessel a load of Salt into this State; also praying that he may be permitted to purchase other Vessels to carry to said Island the overplus of the produce of said Salt & that the oaths respecting the property of said Vessels may be dispensed with

Resolved that the prayer of the Petition be so far granted as that any Naval Officer in this State, within whose District said Todd may have occasion to load in part or in whole said Schooner Friendship, be & hereby is directed to grant for said Vessel all papers necessary for enabling her to proceed in the intended voyage; and if a Register is necessary that one be granted on said Todd's making oath that said Vessel is not in any part the property of any subject of the King of Great Britain other than the Inhabitants of said Island of Bermuda, provided said Todd shall give Bond at the Naval Office where he may take out a clearance in the sum of One thousand pounds, with two sureties in the sum of five hundred pounds each, conditioned that the cargo he carries in said Vessel shall not be landed in any of said Kings Dominions other than said Island of Bermuda. [*Passed February 6.*]¹

CHAPTER 733.

RESOLVE DIRECTING COMMITTEE TO PURCHASE OR SEIZE BRICKS
FOR COMPLEATING THE BARRACKS AT RUTLAND.

Legislative
Records of the
Council,
xxxviii., 294.
Mass.
Archives,
ccxvii., 64.
Mass.
Archives,
clxxiv., 97, 98.

WHEREAS it has been represented to this Court that the Barracks building at Rutland for the reception of Prisoners cannot be completed for want of Bricks, and this Court being informed that there are a number of Bricks in the hands of several persons living near said Town of Rutland, who are unwilling to dispose of the same, whereby the finishing of said Barracks is totally prevented and the Intrest of the Continent greatly injured
therefore

Resolved that John Frink, Esq^r, Maj^r Daniel Clap and Deacon

¹ This date is February 5 according to Legislative Records of the Council.

How, or either of them, a Committee for building the Barracks aforesaid, be and they hereby are directed to procure by purchase at a reasonable price as many Bricks as will be sufficient to complete said Barracks and appendages, and in case the owner or owners thereof shall be unwilling or refuse selling the same, they are hereby impowered and directed to seize and take into their custody said Bricks and to get them appraised by three indifferent persons, one to be chose by the owner of said Bricks, one by the Committee and the third by those two who shall be first chosen, and if the owner of said Bricks shall neglect or refuse to appoint a person for the purpose aforesaid, the Committee are hereby directed to appoint a person in his or their room. [*Passed February 6.*¹

CHAPTER 734.

RESOLVE ON THE PETITION OF SOLOMON RIDER.

ON THE PETITION of Solomon Rider, Praying for liberty to purchis One Hundred & Fifty Bushells of Indian Corn for the use of the Inhabitants of Yarmouth in Nova Scotia, &c.

Legislative
Records of the
Council,
xxxviii., 296.
Mass.
Archives,
ccxvii., 65.
Mass.
Archives,
clxxxiii., 397.

Resolved that the Petition be so far granted, that the Petitioner have liberty to purchase, under the inspection of the Committee of Newbury Port, One Hundred Bushells of Indian Corn for the use sett forth in said Petition, and transport the same from the Port of Newbury Port to Yarmouth in Nova Scotia in the schooner Seafflower, whereof the Petitioner is Master, and the Naval Officer for the Port of Newbury Port is hereby directed to give him the necessary Papers therefor. [*Passed February 6.*

CHAPTER 735.

APPOINTMENT OF DAVID ROSSETER AS COLONEL OF THE 3RD BERKSHIRE COUNTY REGIMENT.

In the House of Representatives.

The House made choice by ballot of David Rosseter as Colonel of the third Regiment of Militia in the County of Berkshire, in the room of Coll Brown who has resign'd.

In Council

Read & Concurred. [*Passed February 6.*

Legislative
Records of the
Council,
xxxviii., 296.
Mass.
Archives,
ccxvii., 66.

CHAPTER 736.

APPOINTMENT OF CALEB HYDE AS LIEUT. COLONEL OF THE 3RD BERKSHIRE COUNTY REGIMENT.

In the House of Representatives.

The House made choice by ballot of Caleb Hyde as Lieutenant Colonel of the third Regiment of Militia in the County of Berkshire, in the room of David Rosseter elected Colonel.

In Council

Read & Concurred. [*Passed February 6.*

Legislative
Records of the
Council,
xxxviii., 296.
Mass.
Archives,
ccxvii., 67.

¹ This date is February 5 according to Legislative Records of the Council.

CHAPTER 737.

RESOLVE ON THE PETITION OF CAPT. SIMEON SAMPSON AND CAPT. JONATHAN HARRADEN.

Legislative
Records of the
Council,
xxxviii., 296.
Mass.
Archives,
ccxvii., 68.

ON THE PETITION of Simeon Samson and Jonathan Haradan.

Resolved that the Prayer of the Petition be granted and that after the present Cruizes are out, all Comanders of Armed Vessells in the service of this State be allow^d Eight shares of all Prizes & Prize Goods which shall be captured by them. [*Passed February 6.*]

CHAPTER 738.

RESOLVE IMPOWERING RUTH HUNT AND SAMUEL HUNT, ADMINISTRATORS, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 297.
Mass.
Archives,
ccxvii., 69.

ON THE PETITION of Ruth Hunt & Samuel Hunt, Administrators on the Estate of John Hunt, Esq^r, late of Watertown in the County of Middlesex deceased, & also several other of the heirs to said Estate, Praying to be enabled to make sale of the Real Estate of the aforesaid John Hunt, Esq^r, deceased, for reasons set forth in their petition.

Mass.
Archives,
ccxvii., 70-72.

Resolved that the said Ruth Hunt & Samuel Hunt be & they are hereby empowered to make sale of the whole of the Real Estate the said John Hunt, Esq^r, died seized of for the most the same will fetch, & make & execute a good & sufficient Deed or Deeds of the same, provided they give proper security to the Judge of Probate for the said County of Middlesex, that the neat proceeds arising by said sale after the debts due from said Estate are paid, shall be distributed to & amongst the Widow & Children of the deceased or their legal representatives, agreeable to the laws of this State for the division of intestate Estates, yet so as said Widow's dower may not be infringed upon without her special leave & consent. [*Passed February 6.*]

CHAPTER 739.

RESOLVE RESPECTING THE SUPPORT OF THE POOR OF CHARLESTOWN.

Legislative
Records of the
Council,
xxxviii., 298.
Mass.
Archives,
ccxvii., 73.

Resolved that the Selectmen or Overseers of the Poor of the several Towns where any of the Inhabitants of Charlestown are supported at the expence of this State, be & they are hereby empowered and directed at their discretion to set to work or bind out apprentice the children of such of said Inhabitants as are unable to support them, in the same way & manner they are by law enabled to set to work & bind out the poor children being Inhabitants of their own Towns. And the said Selectmen & Overseers are hereby directed to use their utmost endeavours that such of said Inhabitants, of whatever age, as are capable of labour, may be employed in some business that will yield them support in whole or in part. [*Passed February 6.*]

CHAPTER 740.

RESOLVE ON THE PETITION OF D^R ISAAC RAND.

ON THE PETITION of Doct^r Isaac Rand, Praying for an allowance of his account for attendance & medicine for Welsh Jarvis, Cook of the Lincoln Row Galley.

Resolved that there be paid out of the Treasury of this State to Doctor Isaac Rand Two Pounds Fourteen shillings in full of said account. [*Passed February 6.*]

Legislative
Records of the
Council,
xxxviii., 298.
Mass.
Archives,
ccxvii., 74.

Mass.
Archives,
ccxvii., 75.

CHAPTER 741.

RESOLVE IMPOWERING GEN^L HEATH TO USE THE BARRACKS AT SEWALL'S POINT FOR INOCULATING HOSPITALS.

WHEREAS representation has been made to this Court that the Resolve passed the second Ins^t empowering Maj^r Gen^l Heath to improve the Barracks at Sewalls Point for Inoculateing Hospitals, in case the buildings assigned for that purpose at Springfield shall be insufficient for that purpose, will be attended with great inconvenience.

Resolved that Maj^r Generall Heath be and hereby is empowered to improve the Barracks at Sewalls Point for Inoculateing Hospitals for such soldiers as may be inlisted into the Continental Army in this part of the country, any Order or Resolve of this Court to the contrary notwithstanding. [*Passed February 6.*]

Legislative
Records of the
Council,
xxxviii., 298.
Mass.
Archives,
ccxvii., 76.

CHAPTER 742.

RESOLVE ON THE PETITION OF THE SELECTMEN OF SUTTON.

ON THE PETITION of the Selectmen of Sutton in the County of Worcester, shewing that on the twenty fifth Day of April, 1775, there was from said Sutton to Roxbury brought two field Pieces and sundry other articles as Powder, bullets &c, and Carriages for said field Pieces, and whereas the Committee on Accounts have made allowance for said field Pieces, but nothing for the Carriages nor for the other articles sett forth in their Petition as said Selectmen chose to have them replaced.

Therefore

Resolved that the Commissary General be directed to deliver to the Select Men of Sutton or their order, one Hundred and thirty nine Pounds of Bullets and forty one Pounds of Powder, and to cause the Carriages, Powder and ball to be returned to said Sutton on as reasonable terms as may be, the Carriages being att the Laboratory in Boston, which transportation to be att the cost of this State. [*Passed February 7.*]

Legislative
Records of the
Council,
xxxviii., 299.
Mass.
Archives,
ccxvii., 78.

Mass.
Archives,
ccxvii., 223.

CHAPTER 743.

APPOINTMENT OF AARON ROWLEY AS 1ST MAJOR OF THE 3^D BERKSHIRE COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 300.
Mass.
Archives,
ccxvii., 77.

In the House of Representatives.

The House made choice by ballot of Capt Aaron Rowley as first Major of the third Regiment of Militia in the County of Berkshire, in the room of Maj' Hyde elected Lieut. Colonel.

In Council

Read & Concurred. [*Passed February 7.*]

CHAPTER 744.

RESOLVE FOR RAISING MEN TO SERVE AS GUARDS IN AND ABOUT BOSTON.

Legislative
Records of the
Council,
xxxviii., 300.
Mass.
Archives,
ccxvii., 81a-84.

Mass.
Archives,
ccxvii., 79-81.

WHEREAS Gen^l Heath has requested this Court to furnish him with a detachment of Four hundred Men from the Militia of this State to do duty as Guards in & about the Town of Boston for y^e greater security of y^e public Stores there lodged, therefore

Resolved That Col^o Thayer be & he is hereby ordered forthwith for the purpose aforesaid to detach from the Regiment under his Command 50 men, including the 36 men ordered the 26th Jan^y last to hold themselves in readiness, & form them into one Company, and appoint two Commissioned Officers, including a suitable number of Non Commissioned Officers, Drumers & Fifers.

That Col^o McIntosh, be & he is hereby ordered to detach from the Regiment under his Command fifty Men, being a part of such as were ordered by this Court y^e 26^h of January last to hold themselves in readiness, and to form them into one Company & appoint two Commissioned Officers & a suitable number of Non Commissioned officers, Drumers & Fifers.

That Col^o Cushing be & he is hereby ordered to detach from the Regiment under his Command One hundred Men, being a part of such as were ordered by this Court y^e 26 Jan^y last to hold themselves in readiness, & to form them into one Company & appoint two Commissioned Officers with a suitable number of Non Commissioned officers, drumers & Fifers.

That Col^o Hatch be & he is hereby ordered to detach from the Regiment under his Command One hundred Men, being a part of such as were ordered by this Court y^e 26th Jan^y last to hold themselves in readiness, and to form them into two Companys & appoint two Commissioned Officers for each Company with a suitable number of Non Commissioned officers, a drummer & Fifer. That Col^o Fox be & he is hereby ordered to detach from his Regiment Fifty Men, being the detachm^t ordered by this Court y^e 26 Jan^y last to hold themselves in readiness, and to form them into one Company with a suitable number of Non Commissioned officers, a drummer & Fifer.

That Col^o Spalding be & he is hereby ordered to detach from his Regiment Fifty Men, being the detachm^t ordered by this Court y^e 26 Jan^y last to hold themselves in readiness, and to form them into one Company with a suitable number of Non Commissioned officers, a drummer & Fifer.

And that the Commanding Officers of the several Regiments aforesaid cause each Man so detached to be armed & accoutred

according to law, and forthwith to march to Boston, there to receive & follow such orders as Maj^r Gen^l Heath from time to time shall see cause to give them during the term of three Months, unless sooner discharged, for which service they shall be entitled to & receive the same pay & subsistence that the Guards in Cambridge are intitled to.

And be it further

Resolved that if any person so detached & ordered to march as aforesaid & shall neglect or refuse so to do, or shall not procure some able-bodied effective man in his room to the acceptance of his Colonel, or pay a fine of Ten pounds within 24 hours after he shall be detached or ordered as aforesaid, shall be considered as a Soldier in said detachment & treated accordingly; and in case any Soldier detached as aforesaid shall pay said fine the Colonel of said Regim^t shall apply the same towards the procuring some other able bodied effective Man in his stead, and if the same shall be insufficient for that purpose the Col^l aforesaid shall immediately proceed to detach some other person from his Regiment untill the number aforesaid be compleated. And that the Maj^r part of the Council be desired to issue their orders to make the detachments for the purpose aforesaid. [*Passed February 7.*]

CHAPTER 745.

APPOINTMENT OF ASA BALDWIN AS 1ST MAJOR OF THE 1ST WORCESTER COUNTY REGIMENT.

In the House of Representatives.

The House made choice by ballot of Maj^r Asa Baldwin as first Major of the first Regiment of Militia in the County of Worcester.

In Council

Read & Concurred. [*Passed February 7.*]

Legislative
Records of the
Council,
xxviii., 302.
Mass.
Archives,
ccxvii., 87.

CHAPTER 746.

APPOINTMENT OF SETH WASHBURN AS 2ND MAJOR OF THE 1ST WORCESTER COUNTY REGIMENT.

In the House of Representatives.

The House made choice by ballot of Capt Seth Washburn as second Major of the first Regiment of Militia in the County of Worcester.

In Council

Read & Concurred. [*Passed February 7.*]

Legislative
Records of the
Council,
xxviii., 302.
Mass.
Archives,
ccxvii., 87.

CHAPTER 747.

RESOLVE ON THE PETITION OF TIMOTHY FROST.

ON THE PETITION of Timothy Frost of York in the County of York, Praying that the Administrators of the Estate of Jotham Moulton Esq^r, late of York aforesaid deceased, may be impowered to reconvey to the Petitioner about One Acre & Quarter of land & the buildings thereon, for the reasons set forth in his petition.

Legislative
Records of the
Council,
xxxviii., 302.
Mass.
Archives,
ccxvii., 92.

Mass.
Archives,
ccxvii., 93.

Resolved that the Administrators of the Estate of Jotham Moulton Esq^r aforesaid, be & they hereby are authorized & empowered to execute a Deed of release to said Timothy Frost of such part of the Real Estate said Timothy conveyed to said Jotham in 1774 which remains undisposed of, for such sum & upon such condition, as from a consideration of the particular circumstances of the case may appear to them just & equitable, & such release shall have the same force & effect as if it had been executed by the said Jotham in his life time, any law to the contrary notwithstanding. [*Passed February 7.*]

CHAPTER 748.

RESOLVE ON THE PETITION OF INHABITANTS OF WRENTHAM, WALPOLE, STOUGHTON AND STOUGHTONHAM.

Legislative
Records of the
Council,
xxxviii., 302.
Mass.
Archives,
ccxvii., 91.

THE COMMITTEE appointed to inquire into the subject matter of the foregoing petition attended that service, and ask leave to report as their opinion that the further consideration of said Petition be refer'd to the 2^d Tuesday of the next sitting of the General Court; which is submitted.

Mass.
Archives,
ccxvii., 88-90.

S HOLTEN p^r ord^r

In Council

Read & accepted and thereupon

Resolved that the further consideration thereof be referred to the second Tuesday of the next sitting of the General Court.

In the House of Representatives

Read & Concurr'd. [*Passed February 7.*]

CHAPTER 749.

RESOLVE ON THE PETITION OF SOLOMON RIDER.

Legislative
Records of the
Council,
xxxviii., 303.
Mass.
Archives,
ccxvii., 97.

ON THE PETITION of Solomon Rider, Praying for liberty to remove from Nova Scotia to this State, &c.

Resolved that Solomon Rider be & he is hereby permitted to remove with his Family & Effects from Yarmouth in Nova Scotia to this State, and all the armed Vessels belonging to this State are hereby directed to suffer the said Solomon Rider to Pass as afore said unmolested, and it is hereby recommended to all other armed Vessels belonging to the United States, or either of them, to permitt the said Solomon Rider to Pass as afores^d without molestation. [*Passed February 9.*]

Mass.
Archives,
clxxxiii., 397.

CHAPTER 750.

RESOLVE ON THE PETITION OF SETH WILLSON.

Legislative
Records of the
Council,
xxxviii., 304.
Mass.
Archives,
clxxxiii., 347.

ON THE PETITION of Seth Willson, praying for wages for his son Benj^m Willson and sundries lost on Bunker Hill.

Resolved that there be allowed and paid out of the publick Treasury of this State to the s^d Seth Willson, the sum of Nineteen pounds thirteen shillings in full for wages and accompt. [*Passed February 9.*]

Mass.
Archives,
clxxxiii., 344-346.

CHAPTER 751.

RESOLVE ON THE PETITION OF CAPT. THOMAS TURNER.

ON THE PETITION of Cap^t Thomas Turner of Col^o Gam^l Bradfords Reg^t in behalf of the officers of s^d Regiment.

Resolved that the Board of War be and hereby are directed to deliver to Cap^t Thomas Turner such & so much Cloathing as shall appear to them necessary for Cloathing s^d Officers, he being accountable & making paym^t to the Board of War in six months at most for the same, & making such distribution as the Officers in s^d Regiment shall agree on when they arive in camp. [*Passed February 9.*]

Legislative
Records of the
Council,
xxxviii., 304.
Mass.
Archives,
ccxviii., 95.
Mass.
Archives,
ccxviii., 96.

CHAPTER 752.

RESOLVE ALLOWING MILEAGE TO THE MILITIA THAT REINFORCED THE NORTHERN ARMY.

Resolved that the Committee on Accounts be and they are hereby directed to allow the Militia that marched to Reinforce the Northern Army in pursuance of a Resolve of the General Court September 22nd, 1777, three pence per mile for the Travel out & three pence per mile home for each Pack Horse to Six men. [*Passed February 9.*]

Legislative
Records of the
Council,
xxxviii., 304.
Mass.
Archives,
ccxviii., 94.

CHAPTER 753.

RESOLVE ON THE PETITION OF SARAH PALMER.

ON THE PETITION of the Widow Sarah Palmer of Brookfield, Praying for her late Husband's Wages, &c.

Resolved That there be paid out of the Publick Treasury of this State to the said Sarah Palmer, the sum of Twenty five Pounds, thirteen Shillings & Eight pence in full for her late Husband's Wages while in captivity and for the expences in fetching him home, and for the Doctor's Bills, a Blanket and Gun, &c. according to the Account to the Petition annexed. [*Passed February 9.*]

Legislative
Records of the
Council,
xxxviii., 305.

CHAPTER 754.

ORDER ON THE PETITION OF ANN CROSBY AND OTHERS.

ON THE PETITION of Ann Crosby and Others.

Read and Revived and

Ordered That the Petitioners, or some one of them, notify the heirs of the Estate mentioned in said Petition, who are not Petitioners, by serving them with an attested copy of their Petition with this Order of Court thereon, that they shew cause (if any there be) on Monday the Twenty third Instant, why the Prayer thereof should not be granted. [*Passed February 9.*]

Legislative
Records of the
Council,
xxxviii., 305.

CHAPTER 755.

RESOLVE ON THE PETITION OF PATTY MURRAY.

Legislative
Records of the
Council,
xxxviii., 306.
Mass.
Archives,
cexvii., 98.

ON THE PETITION of Patty Murray, praying for liberty to pass from hence to Newport in order to take passage from thence to England.

Mass.
Archives,
clxxxiii., 403.

Resolved that the Prayer of said Petition be granted, and that she be, and hereby is, permitted to pass with her Effects to Newport by applying to the Commanding officer at Providence, who is hereby desired to comply with this Resolution, after he shall be made fully satisfied that the said Patty has not any papers in possession, that may be injurious to this or any of the United States of America. [*Passed February 10.*]

CHAPTER 756.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO TAKE POSSESSION OF THE ESTATES AND EFFECTS OF INIMICAL PERSONS.

Legislative
Records of the
Council,
xxxviii., 306.
Mass.
Archives,
cexvii., 99.

WHEREAS by the Resolves of the General Court the Committee of Sequestration for the Town of Boston are authorized and empowered to take into their possession all the Estates and Effects of those Persons who left said Town and joined our Enemies after the 19th of April, 1775, which Resolves it is apprehended will not extend to such Persons who joined our Enemies before the said 19th of April:

Therefore

Resolved That the Committee of Sequestration for the Town of Boston be & they hereby are directed to take into their possession the Estates & Effects of those inimical Persons who have left this State since the first day of January, 1774, and have since joined our Enemies before as well as after the 19th of April, 1775, and dispose of or otherwise conduct respecting them agreeable to the aforesaid Resolves of the General Court. [*Passed February 10.*]

CHAPTER 757.

RESOLVE RESPECTING THE CUSTODY OF FIREARMS.

Legislative
Records of the
Council,
xxxviii., 306.
Mass.
Resolves,
Jan. sess.,
chap. 146.

Resolved that all the Fire-Arms in any store in the Town of Boston be immediately removed to the Guard-House within the lines on Fort Hill, excepting one Firelock of each sort which may remain with the owners if desired; and that Joseph Henderson be appointed to see the above order forthwith executed and also to deliver out such arms as the owners shall order or direct to persons who may in the opinion of the said Henderson be of characters friendly to the United States, he keeping an account of the numbers of arms and of the persons to whom delivered; that the expence attending the removal, custody and delivery of said arms be paid out of the Treasury of this State by warrant from the hon^{ble} Council.

Resolved that the hon^{ble} Council be and they are hereby requested forthwith to order and appoint sufficient guards over all

Fire-Arms belonging to the State, whether in the care of the Board of War, Commissary General, or deposited in any place within twenty miles of the Town of Cambridge.

Resolved that the hon^{ble} Artemas Ward, Mr Hancock and Mr Wendell, be a Committee to write a letter to the hon^{ble} Continental Congress, requesting that the Troops under Gen Burgoyne, or part of them, may be removed to some interior part of the country for greater security to the same and for other obvious reasons. [*Passed February 10.*]

CHAPTER 758.

RESOLVE FOR SUPPLYING OFFICERS OF CONTINENTAL REGIMENTS WITH CLOTHING.

Resolved that the Board of War be & they are hereby directed to sell such Clothing as they can well spare to the Officers of y^t part of the Continentall Army raised in this State, giving the preference to those who lost their Baggage &c in their retreat from Ticonderoga, & where said Officers can[not] make immediate pay[ment] the Board of Warr may take sufficient security for payment at a short period. [*Passed February 11.*]

Legislative
Records of the
Council,
xxxviii., 308.
Mass.
Archives,
ccxvii., 100.

CHAPTER 759.

RESOLVE ALLOWING £25,000 TO THE BOARD OF WAR FOR THE PURCHASE OF SUPPLIES FOR THE ARMY.

Resolved That there be allowed and paid out of the public Treasury of this State to the Honorable Board of War the sum of Twenty five Thousand pounds, to enable that Board to purchase such Articles as are or may be necessary for the use of the Army, that Board being accountable to this Court for said sum; and that the Board of War be directed to sell for cash such Articles as they have in their hands, and which in their judgment can be spared from the Publick Stores, att the price that they shall think proper. [*Passed February 11.*]

Legislative
Records of the
Council,
xxxviii., 308.
Mass.
Archives,
ccxvii., 102.
Mass.
Archives,
ccxvii., 101.

CHAPTER 760.

RESOLVE ON THE PETITION OF JOHN CROSBY.

ON THE PETITION of John Crosby.

Resolved That there be paid out of the Treasury of this State to the said Crosby the sum of Forty Eight Pounds, Three Shillings and four Pence, in full for expences incurred by Surgeon's Accounts, Board, Nursing, &c. by reason of the Wound he received in the Army in August last. [*Passed February 11.*]

Legislative
Records of the
Council,
xxxviii., 309.

CHAPTER 761.

RESOLVE ON THE PETITION OF HENRY GOODWIN.

Legislative
Records of the
Council,
xxxviii., 309.
Mass.
Archives,
ccxvii., 104.

ON THE PETITION of Henry Goodwin, Clerk to Cap^t Simeon Samson on board the Brig^t Independence, the property of this State, praying that he may have the Rations allowed to him agreeable to said Samson's certificate herewith exhibited; therefore

Mass.
Archives,
ccxvii., 105, 106.

Resolved that the Commissary General of this State be and he is hereby directed to deliver to the said Henry Goodwin two hundred and Seventeen days Rations being the whole now due to him. [*Passed February 11.*]

CHAPTER 762.

RESOLVE ON THE PETITION OF JOSIAH BALL.

Legislative
Records of the
Council,
xxxviii., 309.

ON THE PETITION of Josiah Ball.

Resolved That there be paid out of the Treasury of this State to the said Ball the sum of Thirty Six Pounds, Ten Shillings, in full for loss of time, expences incurred by Surgeon's Accounts in consequence of the Wounds he received in the Army, by returning home, Board and Nursing in his own Family after he returned, till January Sixth Seventeen hundred and Seventy Eight. [*Passed February 11.*]

CHAPTER 763.

RESOLVE ON THE PETITION OF INHABITANTS OF ROYALSBOROUGH.

Legislative
Records of the
Council,
xxxviii., 310.

ON THE PETITION of the Inhabitants of a new Plantation called Royalsborough, in the County of Cumberland, Praying for an abatement of the Public Taxes, assessed on them by the Assessors of the Town of Brunswick for the years Seventeen hundred Seventy Six and Seventeen hundred Seventy Seven.

Resolved That the Prayer of said Petition be granted and that the Assessors of said Brunswick be, and they are hereby Ordered and Directed to abate all the Public Taxes they have or shall have levied or assessed on the Polls and Estates of the said Inhabitants for the years Seventeen hundred Seventy Six and Seventeen hundred Seventy Seven; provided nevertheless that nothing in this Resolve shall be construed to extend to make any abatement in the Taxes imposed on the Town of Brunswick by the General Court. [*Passed February 12.*]

CHAPTER 764.

RESOLVE ALLOWING MILEAGE HOME TO THE DETACHMENTS THAT GUARDED THE BURGOWNE PRISONERS.

Legislative
Records of the
Council,
xxxviii., 311.
Mass.
Archives,
ccxvii., 109.

Resolved that the Resolve of this Court that passed Jan^y 19, 1778, respecting the militia that marched in persuanee of the requisition of the General Court of Sep^t 22, 1777, be so far Reconsidered as it respects the Mileage home, and that there be paid

one Penny Per Mile to those that assisted as Guards in guarding the Prisoners to Cambridge to their several homes, in addition to the Continental Milage to be paid by the Com^{tee} on Accompts. [*Passed February 12.*]

CHAPTER 765.

ORDER ON THE PETITION OF ASA FAIRBANKS AND JOHN METCALF.

ON THE PETITION of Asa Fairbanks and John Metcalf.

Legislative
Records of the
Council,
xxxviii., 311.
Mass.
Archives,
ccxvii., 125.

The Committee to whom the foregoing Petition was referred have attended y^e service, & beg leave to report that the Petitioners notify the Town of Wrentham of the substance of this Petition, by serving the Town Clerk of said Town with a copy thereof that they may shew cause why the Prayer thereof should not be granted.

All which is Submitted

T CUSHING p order

Mass.
Archives,
ccxvii., 124.

In Council Read & accepted & thereupon ordered that the Petitioners notify the Town of Wrentham of this Petition by serving the Town Clerk with a copy of the same & of this Order, that they may shew cause (if any they have) on the Nineteenth Instant why the Prayer thereof should not be granted.

In the House of Representatives

Read & concurrd. [*Passed February 13.*]

CHAPTER 766.

RESOLVE DETACHING LIEUT. COL^o ANDREW SYMMES TO COMMAND THE MILITIA DOING DUTY IN AND ABOUT BOSTON.

WHEREAS it appears necessary that another Field Officer be appointed to command the Militia now doing duty & ordered to do duty in the Town of Boston, therefore

Legislative
Records of the
Council,
xxxviii., 313.
Mass.
Archives,
ccxvii., 123.

Resolved that Lieutenant Colonel Andrew Symms be detached from the Boston Regiment to command said Militia under Major General Heath, till the Militia ordered to do duty as guards in and about the Town of Boston by the Resolve of this Court of the 7th Instant shall be discharged; and that Major Procter now in said service be and hereby is desired to continue in the service aforesaid till the discharge above referred to, & the major part of the Council are hereby proposed to issue their orders accordingly. [*Passed February 13.*]

CHAPTER 767.

RESOLVE RESPECTING THE DELIVERY OF THE HOUSEHOLD GOODS OF GOV. HUTCHINSON TO REV. DR. MATHER.

WHEREAS by a Resolve of the Gen^l Court of the 19th Ult^o, requiring all persons, who had in their possession any of the Household Goods of the late Gov^r Hutchinson, to deliver the same to the Rev^d D^r Mather & M^r Mather his Wife, no provision is made for the s^d D^r Mather's giving a receipt to the persons in whose hands they were upon the delivery thereof:

Legislative
Records of the
Council,
xxxviii., 313.
Mass.
Archives,
ccxvii., 122.

Be it

Resolved that the s^d D^r Mather be & he hereby is directed upon

receiving any of the Furniture aforesaid to give two Receipts therefor, specifying the particular articles received, to the Persons or Committees of whom he may receive the same, one of which the Persons or Committees delivering them are required to lodge in the Secretary's office. [*Passed February 13.*]

CHAPTER 768.

RESOLVE EXCUSING CAPT. GEORGE WILLIAMS FROM SERVING ON THE COMMITTEE OF SUPPLIES.

Legislative
Records of the
Council,
xxxviii., 313.
Mass.
Archives,
ccxvii., 121.

Resolved that Capt George Williams be excused from the Committee for Supplying the Army with Stores, and Caleb Davis Esq^r, be appointed to settle with said Williams for what money he has received from Henry Gardner Esq^r, Treas^r of this State, and upon the said Williams accounting for the expenditure of the same, the said Davis is impowered & directed to give him a full discharge. [*Passed February 13.*]

CHAPTER 769.

RESOLVE ON THE PETITION OF LUCY RUST.

Legislative
Records of the
Council,
xxxviii., 314.
Mass.
Archives,
ccxvii., 120.

ON A PETITION of Lucy Rust setting forth that on the 3^d Day of April, 1775, her Husband, Capt. Enoch Rust, left this State & went to Nova Scotia to settle his affairs there, which business he has accomplished, and therefore praying that he may be permitted to return.

Mass.
Archives,
clxxxiii., 404.

Resolved that the prayer of said Petition be granted, & that the said Enoch Rust be & he hereby is accordingly permitted to return with his Effects to this State, and the Commanders of all Vessels belonging to this State are hereby directed not to molest him in his return, & it is recommended to the Commanders of all Vessels belonging to the United States or any of them to suffer the said Enoch Rust to return as aforesaid unmolested. [*Passed February 13.*]

CHAPTER 770.

RESOLVE ON THE PETITION OF HEPZIBATH NORTON AND JOHN NORTON.

Legislative
Records of the
Council,
xxxviii., 314.
Mass.
Archives,
ccxvii., 113.

ON THE PETITION of Hepzibath Norton, Widow of Thomas Norton, late of the County of Worcester Deces^d, and John Norton, Executor of the s^d Deces^{ds} last will, seting forth that the said Thomas Norton in his lifetime, disposed of his Estate both Real and Personal by will as to him was thought best, but as said will was disapproved of by the Judge of Probate of s^d County so far as respected the Real Estate, by reson of its being witnes^d by two witnesses only, and as it represented the disadvantage that will accrue both to the Widow and heirs of the said Deces^d if s^d will is not approved of: Therefore

Mass.
Archives,
ccxvii., 114-119.

Resolved that the Judge of Probate of Wills for the County of Worcester be and he is hereby impowered and directed to approve of said will in every part thereof, notwithstanding there was but two witnesses to s^d will, any law to the contrary notwithstanding. [*Passed February 13.*]

CHAPTER 771

RESOLVE ALLOWING £2,335. 15^s TO HON. JOHN HANCOCK, ESQ^R, FOR SERVICE AS A DELEGATE TO THE CONTINENTAL CONGRESS.

Resolved that there be paid out of the Public Treasury of this State the Sum of Twenty three hundred & thirty five pounds, fifteen shillings, to the Honorable John Hancock, Esq^r, or his order, in full discharge of his expences & for services as a Delegate for this State at the Continental Congress from the 26th April, 1775, to the 19th of November, 1777. [*Passed February 13.*]

Legislative
Records of the
Council,
xxxviii., 315.
Mass.
Archives,
ccxvii., 110.

CHAPTER 772.

RESOLVE ON THE PETITION OF THE COMMITTEE OF CORRESPONDENCE OF BOSTON.

UPON THE PETITION of the Committee of Correspondence &c. of the Town of Boston & the Memorial of James Lloyd & Samuel Danforth in answer thereto,

Resolved That the said James Lloyd, Samuel Danforth, Isaac Rand, & George Lush, mentioned in the said Committee's Petition, having taken the Oath of Allegiance & Fidelity to this State, in form as prescribed in a late Act establishing such form, are entitled to the benefits of the said Act notwithstanding any irregularity in the proceedings of the Justice who administred the said Oath. [*Passed February 14.*]

Legislative
Records of the
Council,
xxxviii., 315.
Mass.
Archives,
ccxvii., 126.

Mass.
Archives,
clxxxiii., 409,
412.

CHAPTER 773.

RESOLVE ESTABLISHING THE PENSION OF KERBY WARD.

WHEREAS by a Resolve of this Court of y^e 26th of Jan^y last, Kerby Ward is intituled to three Eighthths of his pay as a Soldier, having bin wounded in the Battle on Charlestown heights, and it appearing by the certificates which said Ward then produced, that he the said Kerby Ward was a Corporal in the service & is intituled to his Pension accordingly, it is therefore

Resolved that the Commisary of Pensioners be & he hereby is directed to pay to the said Kerby Ward three Eighthths of his pay as a Corporal, the Resolve of y^e 26th of Jan^y notwithstanding. [*Passed February 14.*]

Legislative
Records of the
Council,
xxxviii., 316.
Mass.
Archives,
ccxvii., 129.

CHAPTER 774.

RESOLVE FOR PAYMENT TO HON. JAMES OTIS, ESQ^R, OF £200 AND ACCRUED INTEREST ON A TREASURY NOTE.

ON THE PETITION of the hon^{ble} James Otis, Esq^r, setting forth that there is due to him from this State on a Note given him by Harrison Gray, Esq^r, late Treasurer of this, then Province, the sum of Two thousand & thirty two pounds lawful Money, and praying that part of the principal sum due on said Note & the interest to this time may be paid him.

Legislative
Records of the
Council,
xxxviii., 316.
Mass.
Archives,
ccxvii., 135.

Mass.
Archives,
ccxvii., 136, 137.

Resolved that there be paid out of the Treasury of this State to the petitioner, or his order, the sum of Two hundred pounds, part of the principal sum of said Note also all the interest due at the time said Two hundred pounds is paid, and that the Treasurer cause the sums so paid to be indorsed on said Note. [*Passed February 14.*]

CHAPTER 775.

RESOLVE DIRECTING THE COMMITTEE OF CORRESPONDENCE AND SEQUESTRATION TO PAY RENTS OF ABSENTEES' ESTATES TO TREASURER.

Legislative
Records of the
Council,
xxviii., 317.
Mass.
Archives,
ccxvii., 130.

Resolved that the several Committees of Correspondence, Inspection and Safety within this State who have had the Care and management of Absentees' Estates; and also the Committee of Sequestration, be, and they hereby are directed forthwith to pay into the public Treasury any sum or sums of money that may remain in their hands, arising from the Rents of such Estates, or from the Sale of Sequestered Goods, taking duplicate receipts of the Treasurer, one of which to be filed in the Secretary's Office. [*Passed February 14.*]

CHAPTER 776.

RESOLVE SUSPENDING PROCEEDINGS AUTHORIZED BY A RESOLVE OF JANUARY 31, 1778.

Legislative
Records of the
Council,
xxviii., 317.
Mass.
Archives,
ccxvii., 131.

WHEREAS by a Resolve of the Gen^l Court of the 31st Ult^o Caleb Davis, Esq^r, Cap^t Geo. Williams & Ellis Gray, were empowered to purchase any quantity of Cloathing &^c which the Deputy Clothier Gen^l declined purchasing upon acco^t of the extravagant price demanded for them, & for other purposes mentioned in the s^d Resolve, & inasmuch as the s^d Ellis Gray has at his request been excused from the s^d appointment, & it appearing expedient to this Court that all acting upon s^d Resolve should be suspended for the present:

Resolved that the s^d Caleb Davis, Esq^r, & Cap^t Geo. Williams be & they hereby are directed to suspend any proceedings to which they are empowered in virtue of s^d Resolve untill the further Order of this Court. [*Passed February 14.*]

CHAPTER 777.

RESOLVE ON THE PETITION OF JEREMIAH KINGSBURY, JUN^r.

Legislative
Records of the
Council,
xxxviii., 318.

ON THE PETITION of Jeremiah Kingsbury, Jun^r, Praying that he may be allowed and paid the sum of Thirteen Pounds and Ten Shillings, he having lost the same sum by fire when his Dwelling-House was burnt, which sum he received out of the Treasury of this State to pay for Blankets, Shoes, &c.

Resolved that there be allowed and paid out of the Public Treasury of this State to Jeremiah Kingsbury, Jun^r, the sum of Thirteen Pounds and Ten Shillings, to enable him to pay for sundry Blankets, Shoes, Stockings, &c. as mentioned in his Petition. [*Passed February 14.*]

CHAPTER 778.

RESOLVE ALLOWING MONEY IN LIEU OF BLANKETS TO CAPT. BURBANK'S COMPANY.

ON THE PETITION of Silas Burbank, Captain of a Company in Colonel Samuel Brewer's Regiment, praying for Money in lieu of Blankets for Twenty Six of his Men, who have not been supplied therewith for the year Seventeen hundred Seventy Seven, agreeable to a Resolve of the General Court the Nineteenth of October Seventeen hundred Seventy Six.

Legislative
Records of the
Council,
xxxviii., 318.

Resolved That there be paid out of the Treasury of this State to the said Silas Burbank, the sum of Twenty three Pounds, & Eight Shillings for the use of said Men, he giving his receipt therefor. [*Passed February 14.*]

CHAPTER 779.

RESOLVE DIRECTING LIBERATION OF CLARK LINNIKEN.

ON THE PETITION of Clerk Linniken praying to be liberated from the common Goal for reasons therein mentioned.

Resolved that the Sheriff of the County of Lincoln be and he hereby is directed to liberate & discharge the said Clerk Linniken from his present confinement, without demanding any costs of said prisoner: and that the said Sheriff be directed to lay his account of the costs arising upon said commitment before the Court of General Sessions of the Peace for said County, which Court is hereby empowered and directed to pay out of the said County Treasury all such legal costs as have arisen. [*Passed February 14.*]

Legislative
Records of the
Council,
xxxviii., 319.
Mass.
Archives,
ccxvii., 132.
Mass.
Archives,
clxxxiii., 244-
252.

CHAPTER 780.

RESOLVE GRANTING AN ADDITIONAL ALLOWANCE TO DAVID THOMPSON, JUN^r, A PENSIONER.

ON THE PETITION of David Thompson, Jun^r, a Pensioner, praying that his Pension may be increased on account of the advanced prices of the necessaries of life.

Resolved that the prayer of said Petition be so far granted as that there be & hereby is granted to the said David Thompson, Jun^r, the sum of Ten Pounds in addition to his Pension for the year past. [*Passed February 14.*]

Legislative
Records of the
Council,
xxxviii., 319.
Mass.
Archives,
ccxvii., 133.
Mass.
Archives,
ccxvii., 134.

CHAPTER 781.

RESOLVE ON THE PETITION OF ISAAC BALL.

ON THE PETITION of Isaac Ball.

Resolved That there be paid out of the Treasury of this State to the said Ball, the sum of Six Pounds in full for expences incurred by Surgeons Accounts and loss of time, occasioned by the Wound he received in the action at Bennington on the Sixteenth of August last. [*Passed February 16.*]

Legislative
Records of the
Council,
xxxviii., 320.

CHAPTER 782.

RESOLVE IMPOWERING THE SELECTMEN OF BOSTON AND CAMBRIDGE TO APPOINT ENGINE MEN.

Legislative
Records of the
Council,
xxxviii., 320.
Mass.
Archives,
ccxvii., 138.

WHEREAS there are now in the Town of Boston eleven Fire Engines and one in the Town of Cambridge; great danger and freequant alarms by fire, makes it nessessary that a suitable number of men be set apart and hold themselves in readiness on every sudden emergency to work s^d Engines, as well as to see they are kept in good repair, therefore

Resolved that there be One Hundred & thirty Eight men of the Town of Boston, and Sixteen men of the Town of Cambridge, such as may hereafter be appointed by the Selectmen of each of said Towns: whose business it shall be to take care & see that the Fire Engines in said Towns be constantly kept in good repair, and attend as Engine men from time to time as there may be need, according to the rules & regulations for extinguishing fire.

It is further

Resolved that such men of the Town of Boston to the amount of One Hundred and thirty Eight, that may be chosen by the Selectmen of said Town as Engine men and the number of Sixteen men chosen & appointed by the Selectmen of the Town of Cambridge to said servis, be and hereby are excused from all Draughts & Militia duty; except furnishing their Quota in the Continental Army and sudden alarms till the further Order of the General Court. [*Passed February 16.*]

CHAPTER 783.

RESOLVES ON THE PETITION OF ANDREW JOHONNOT, COMMISSARY OF FORAGE.

Legislative
Records of the
Council,
xxxviii., 320.
Mass.
Archives,
ccxvii., 139,
140.

THE COMMITTEE of both Houses on the petitions of Andrew Johnnot having considered the same ask leave to report the following resolves

Resolved that Ralph Richardson of Brookfield in the County of Worcester, deliver or cause to be delivered to Andrew Johnnot or his order, the quantity of Hay mentioned in said Johnnot's Petition, which Gilbert Speakman by said Johnnot's order purch[ased] of said Richardson at Brookfield aforesaid, supposed to be about Ten Tons or more at Six pounds p^r ton, the price that appears the said Hay was sold at; on pain of said Richardson forfeating and paying for the benefit of the United States the sum of Three hundred pounds in case he fail of delivering said Hay or any part thereof, to be sued for by said Johnnot and recovered in the Court of Common Pleas for the County of Worcester.

Also

Resolved that the Committees of Corrispondence, Inspection & Safety within the department for which Andrew Johnnot is appointed Commissary of Forrage, be and they are hereby impowered & diricted (upon application made to them by said Johnnot or any person for or under him) to furnish said Johnnot from those farms where it can best be spaired, with what Hay or other Forrage said Johnnot may want; first applying to the owners thereof, and agree with them for the price of said Forrage and in case the owner or owners thereof shall neglect or refuse to sell said Hay or other Forrage, the said Committee are hereby im-

Mass.
Archives,
ccxiv., 65;
ccxvii., 141,
142.

powered and directed to impress and deliver the said Hay & Forrage to the said Andrew Johnnot for the use of the Continent, he paying the owner or owners thereof such reasonable prices as said Committee shall fix thereon.

In Council

Read & Accepted

In the House of Representatives

Read & concurr'd. [*Passed February 16.*]

CHAPTER 784.

RESOLVE AUTHORIZING LOAN OF £3,000 TO MAJ. GEN^L HEATH FOR THE USE OF THE UNITED STATES.

WHEREAS Major General Heath has requested of this Court the loan of a sum of money out of the Treasury of this State for the use of the United States,

Therefore

Resolved that there be advanced and paid out of the Treasury of this State to Major General Heath for the use of the United States, the sum of Three thousand Pounds to be by him repaid as soon as may be. [*Passed February 16.*]

Legislative
Records of the
Council,
xxxviii., 321.
Mass.
Archives,
ccxvii., 143.

CHAPTER 785.

RESOLVE ON THE PETITION OF JANE GREGORY.

ON THE PETITION of the widow Jane Gregroy.

Resolved that there be paid out of the publick Treasury of this State to the said Jane Gregroy the sum of Eight pounds Sixteen shillings & five pence, in full for her late Husband's wages as a Drumer while in captivity. [*Passed February 16.*]

Legislative
Records of the
Council,
xxxviii., 322.
Mass.
Archives,
clxxxiii., 407.
Mass.
Archives,
clxxxiii., 406.

CHAPTER 786.

RESOLVE ON THE PETITION OF JOSEPH PIERPOINT.

ON THE PETITION of Joseph Pierpont, praying for liberty and protection to repair to Nova Scotia & return from thence to this State with his Effects.

Resolved that Joseph Pierpont be and he hereby is permitted to repair to Nova Scotia & to return with his Effects as soon as may be to this State. And the Commanders of all armed Vessels belonging to this State are hereby ordered not to molest the said Pierpont in going to, or returning from Nova Scotia with his Effects. And it is also recommended to the Commanders of all armed Vessels belonging to the United American States or any of them, to permit the said Pierpont to pass as aforesaid with his Effects unmolested. [*Passed February 17.*¹]

Legislative
Records of the
Council,
xxxviii., 322.
Mass.
Archives,
ccxvii., 145,
145½.
Mass.
Archives,
ccxvii., 146.

¹ This date is February 16 according to Legislative Records of the Council.

CHAPTER 787.

RESOLVE ON THE PETITION OF REUBEN M. EDWARDS.

Legislative
Records of the
Council,
xxxviii., 324.

ON THE PETITION of Reuben Morrell Edwards, Praying for a consideration for his necessary expences on his march home from the Army by reason of sickness on said march as set forth in said Petition.

Resolved That there be paid out of the Publick Treasury of this State to Reuben Morrell Edwards, Seven Pounds and Ten Shillings, in full for his expences by reason of his sickness on his march home. [*Passed February 17.*]

CHAPTER 788.

RESOLVE AUTHORIZING SALE OF SALT TO THE SELECTMEN OF CHARLEMONT.

Legislative
Records of the
Council,
xxxviii., 325.
Mass.
Archives,
cxcvii., 147.

Resolved that the Board of War be directed to deliver to the Select Men of the Town of Charlemont in the County of Hampshire, or their Order, twelve bushels of Salt, they paying therefor att the rate of ten Shillings per Bus^l, said Town of Charlemont through a mistake not being mentioned in the Resolve of June the thirteenth, 1777, notwithstanding. [*Passed February 18.*]

CHAPTER 789.

RESOLVE ON THE PETITION OF JOSEPH HENDERSON, COMMISSARY OF PRISONERS.

Legislative
Records of the
Council,
xxxviii., 326.
Mass.
Archives,
cxcvii., 148.

UPON THE PETITION of Jos[eph] Henderson.

Resolved that the Committee of Sequestration be & they hereby are directed to deliver m^r Joseph Henderson, Commissary of Prisoners, such Accompt Books & Paper as are necessary for the execution of his office, he paying for the same. [*Passed February 18.*]

CHAPTER 790.

RESOLVE ON THE PETITION OF JOHN BRADFORD, CONTINENTAL AGENT, AND GEORGE OLNEY.

Legislative
Records of the
Council,
xxxviii., 328.
Mass.
Archives,
cxcvii., 160.
Mass.
Archives,
cxcvii., 161.

ON THE PETITION of John Bradford, Continental Agent, & Geo. Olney, agent for Samuel Chew Esq^r, & Company of the Brigantine Resistance belonging to the United States, shewing that the said Chew hath sent into the Port of Boston a prize Ship, with a mixed Cargo, a large quantity of which is much wanted by the public, and which the agent for the Company cannot consent to give up if they come to a division, therefore praying for liberty to sell s^d Ship & Cargo at public Auction.

Resolved that the prayer of the Petition be granted, and that the Petitioners hereby have liberty to sell said Ship & Cargo at public Auction, any Act of this Court to the contrary notwithstanding. [*Passed February 19.*]

CHAPTER 791.

RESOLVE IMPOWERING GEN^L HEATH TO ORDER THE MEN DETACHED FOR SERVICE IN AND ABOUT BOSTON HARBOUR TO THEIR RESPECTIVE STATIONS.

WHEREAS a Resolve passed the General Court on the 27th day of Jan^y last, ordering that a number of Officers & men should be detached from a number of Regiments of y^e Militia within this State, for the purpose of occupying the several Posts in and about the Harbour of Boston upon the arrival of the Transports to receive the Troops of the Convention, but no provision is made in said Resolve by whose orders they are to march to the Posts assigned them respectively.

Legislative
Records of the
Council,
xxxviii., 328.
Mass.
Archives,
ccxvii., 162.

Resolved therefore that General Heath be, and hereby is empowered to issue his orders to such Officers & men as are or may be detached for y^e purpose aforesaid, to march to the Posts assigned them respectively whenever he shall Judge the Safety of the State requires it, & said Officers & Men are hereby required strictly to conform to General Heath's orders for this purpose, and

It is further

Resolved that said Officers & Soldiers shall be held to continue in said service for the space of two months from the time of their marching unless sooner discharg'd. [*Passed February 19.*]

CHAPTER 792.

RESOLVE DIRECTING LEVI SHEPHARD, COMMISSARY, TO LODGE THE RECEIPTS FOR CLOTHING WITH THE BOARD OF WAR.

WHEREAS by a Resolve of this Court passed Sept^r 19th, 1777, the Board of War were ordered to procure a quantity of Blankets, Shirts, Shoes, Stockings & Watch Coats, and deliver the same to the Committee for Supplying that part of the Continental Army raised in this State with Stores, which Committee were ordered to send the said Cloathing to Levi Shephard, Esq^r, one of the Commissaries of Stores for this State, who was ordered to deliver them agreeable to orders he might rec[eive]¹ from Gener^L Gates, and the said Levi Shephard having deliver'd the said Cloathing or the greatest part of it accordingly; and taken rec[ei]pts¹ from some one Field Officer of the Rigements to whom the said Cloathing was delivered agreeable to the order from Gener^L Gates, therefore

Legislative
Records of the
Council,
xxxviii., 330.
Mass.
Archives,
ccxvii., 159.

Resolved that the said Levi Shephard be & he is hereby directed to lodge the said rec[ei]pts¹ (which he has or may hereafter rec[eive]¹ for said Cloathing together with the order he rec[eived]¹ from Gen^L Gates for the delivery of them) with the Board of War, who are ordered to charge the same together with the expence of transportation & other charges attending the same to the United States, and the Board of War are hereby directed to discharge the said Committee and Commissary on their delivering the rec[ei]pts¹ as afores^d. [*Passed February 19.*]

¹ Inserted from Legislative Records of the Council.

CHAPTER 793.

Legislative
Records of the
Council,
xxxviii., 331.
Mass.
Archives,
ccxvii., 155.

RESOLVE ALLOWING £2,176. 10^s 2^d TO CALEB DAVIS, ESQ^r, FOR BUILDING THE BRIGANTINE HAZARD.

Resolved that there be allowed and paid to Caleb Davis, Esq., out of the Public Treasury the sum of Two Thousand one Hundred & seventy six Pounds ten shillings and two pence, in full ballance of his account for building the Brigantine Hazard. [*Passed February 19.*]

Mass.
Archives,
ccxvii., 156-155.

CHAPTER 794.

RESOLVE DIRECTING COL^o CUSHING TO FORM THE MEN ORDERED TO BE DETACHED INTO TWO COMPANIES.

Legislative
Records of the
Council,
xxxviii., 331.
Mass.
Archives,
ccxvii., 164.

Resolved that Colonel Cushing be and he hereby is directed to form the Hundred men he was ordered to detach from his Regiment by the Resolve of the General Court of the twenty sixth of January last, into two Companies and appoint two Commission[ed] officers to each Company, with a suitable number of Noncommissioned officers, one Drummer & one fifer, the Resolve of the Seventh of February instant notwithstanding. [*Passed February 19.*]

CHAPTER 795.

RESOLVE ESTABLISHING PAY OF COUNCILLORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Legislative
Records of the
Council,
xxxviii., 332.
Mass.
Archives,
ccxvii., 154.

WHEREAS by the advanced price of the necessaries of life the established pay of the members of this Court is become inadequate to their daily expence,

Resolved that there be allowed to the Representatives twelve shillings p^r day, and to the members of the Honorable Council Fifteen shillings p^r day, for each days attendance, and that the pay roll for the last and present sessions of the General Court be made up accordingly. [*Passed February 19.*]

CHAPTER 796.

RESOLVE ON THE PETITION OF PEREZ MORTON.

Legislative
Records of the
Council,
xxxviii., 331.
Mass.
Archives,
ccxvii., 159.

UPON THE PETITION of Perez Morton, attorney for Ja^s Anderson, praying for leave to file a new claim at the Superior Court now sitting in the cause of the Brigg. Eunice to be reheard by Order of the Gen^l Court.

Resolved that the Petitioner notify the adverse party by a copy of this Petition to shew cause tomorrow at ten of the Clock in the forenoon, if any they have, why the Prayer thereof should not be granted. [*Passed February 19.*]

Mass.
Archives,
ccxvii., 151.

CHAPTER 797.

RESOLVE DIRECTING ALEXANDER SHEPHARD, CONDUCTOR OF STORES TO TRANSPORT CLOATHING, ETC., TO PENNSYLVANIA FOR THE ARMY.

WHEREAS by a late Order of the Gen^l Court Levi Shephard, Esq^r, one of the Commisaries for Supplying that part of the Continental Army raised in this State with Small Stores, was directed to remove the Stores now in his possession at Kenderhook to the State of Penselvania, for the use of said army now doing duty there, and it appearing to this Court that the said Commisary cannot without neglecting the business in his department, attend to said business, it is therefore

Legislative
Records of the
Council,
xxxviii., 323.
Mass.
Archives,
cexvii., 152.
Mass.
Archives,
cexvii., 153.

Resolved that M^r Alax^r Sheppard, Conductor of Stores, be & he hereby is directed without delay to transport the Cloathing & said Stores, or such part of them as he with the said Commisary shall judge best, to such part of Penselvania as will be most convenient for dealing them out to the army and it is further

Resolved that there be & hereby is allowed to the said Commisary such reasonable expences for Horse Hire for himself & deputy or deputies & Traveling Charges as may be occasioned by his attending the army at so grate a distance, he to lay his acco^{ts} before this Court for allowance, and there be & hereby is allowed a further sum of Forty shillings p^r m^o in addition to the Ten pounds already allowd to the deputy or deputies of the said Commisary. [*Passed February 19.*¹]

CHAPTER 798.

RESOLVE PROVIDING FOR THE CONSIDERATION OF THE ARTICLES OF CONFEDERATION BY THE COUNCIL AND HOUSE OF REPRESENTATIVES.

Resolved that the Members of the House of Representatives with the Members of the Honb^{le} Council, if they see fit, be a Committee to take the Articles of Confederation and Perpetual Union between the United States into consideration immediately and report as soon as may be. [*Passed February 19.*]

Legislative
Records of the
Council,
xxxviii., 332.

CHAPTER 799.

VOTE ON REPORT OF COMMITTEE CONCERNING THE QUOTA OF TROOPS FOR DEFENCE OF RHODE ISLAND.

THE COMMITTEE of both Houses appointed on Governor Cooke's and Col^o Robinson's Letters have attended the business assigned them, and are of opinion that it is absolutely necessary that the full Quota of Men assigned to this State by the Committee, who met at Springfield the 30th July last, should be furnished and kept up in the State of Rhode Island for the defence of the said State; And that as Col^o Keyes and Col^o Robinson who were appointed by a Resolve of this Court of the 13th December last to Command the two Regiments designed for that Station, have re-

Legislative
Records of the
Council,
xxxviii., 334.
Mass.
Archives,
cexvii., 172.
Mass.
Archives,
cxliv., 34-47;
cexvii., 28,
173-179.

¹ This date is February 18 according to Legislative Records of the Council.

sign'd their Command, your Committee apprehend it necessary that said regiments be Officered anew, and that every possible method be pursued by this Court to compleat said regiments by the first of April next; at which time the Service of the Militia now Stationed at Rhode Island and Providence Plantation will be at an end.

Which is Humbly Submitted

MOSES GILL *p* order

In Council

Read & Accepted

In the House of Representatives

Read & concurrd. [*Passed February 20.*]

CHAPTER 800.

VOTE ON REPORT OF COMMITTEE CONCERNING BRITISH PRISONERS.

Legislative
Records of the
Council,
xxxviii., 329.
Mass.
Archives,
ccxvii., 167.

Mass.
Archives,
cliii., 42.

THE COMMITTEE of both Houses upon the Letter of General Heath of the 16th instant, beg leave to report, that as the Stockade round the Barracks at Rutland by reason of the Severity of the weather is not yet compleated, and the Barracks themselves for the same reason are not sufficient properly to confine the number of prisoners proposed to be sent there; that should the prisoners be sent as proposed, it will greatly indanger that part of the State and cause a general uneasiness among the inhabitants there, and as it will require five times the number of Men to be kept as Guards that it would otherwise require in case the Stockade was finished, whereby the public expence will be greatly and unnecessarily increased.

Your Committee are unanimously of opinion that it will be best and more for the Public safety for the prisoners to remain on board the Guardship 'till the Barracks & Stockade are made sufficiently secure for their reception.

All which is Humbly submitted.

MOSES GILL *p* order.

In Council

Read & accepted

In the House of Representatives

Read & concurrd. [*Passed February 20.*¹]

CHAPTER 801.

VOTE ON REPORT OF COMMITTEE CONCERNING DELAY IN FORWARDING CLOTHING TO THE ARMY.

Legislative
Records of the
Council,
xxxviii., 330.
Mass.
Archives,
ccxvii., 168.

Mass.
Archives,
ccxvii., 169-
171.

THE COMMITTEE of both Houses appointed to inquire into the reasons of the neglect in forwarding the Cloathing to the Northern Army and who was the cause thereof, have attended that service and upon inquiry find that some of the Committee have been too remiss in their duty, but your Committee apprehend it was rather through the difficulty of transportation than any willful neglect; your Committee also have made diligent search into the loss of the several articles of Cloathing represented to the Court, and have the pleasure to inform that the missing articles are vastly less than was at first imagin'd; being only twelve pair Breeches, twenty

¹ This date is February 19 according to Legislative Records of the Council.

Blankets and three Watch Coats, a loss that might naturally arise from the sudden and confused manner in which the Commissary was obliged to deliver them out.

Which is Humbly Submitted

MOSES GILL *p* order

In Council

Read & Accepted.

In the House of Representatives

Read & concurr'd. [*Passed February 20.*¹]

CHAPTER 802.

RESOLVE ON THE PETITION OF EBENEZER JACKSON AND OTHERS.

ON A PETITION of Ebenezer Jackson, Daniel Jackson & William Dawes, Children & Heirs of Samuel Jackson, late of Boston deceased, and of Daniel Jackson, in behalf of Ruth Tufts, a Grand Daughter of said deceased, praying that an unattested copy of the last will and testament of said Deceased in the handwriting of John Paine, late a Register of the Court of Probate for the County of Suffolk, may be established & made valid, the records and papers belonging to said Court being carried off when the Town of Boston was evacuated by the Enemy.

Legislative
Records of the
Council,
xxxviii., 335.
Mass.
Archives,
ccxvii., 180.
Mass.
Archives,
ccxviii., 181-
184.

Resolved that the prayer of said Petition be granted and the unattested copy in y^e handwriting of Jn^o Paine, late Register, of the last will & testament of Samuel Jackson, late of Boston dec^d, be & hereby is established & made valid, and that the Judge of Prob[ate] of Wills for this County be & hereby is directed to proceed accordingly. [*Passed February 20.*]

CHAPTER 803.

RESOLVE DIRECTING THE COMMISSARIES FOR THE NORTHERN AND SOUTHERN DEPARTMENTS TO SUPPLY ALEXANDER SHEPHARD, CONDUCTOR OF STORES, WITH MONEY.

WHEREAS Alex^r Sheppard, the Conductor of Stores for this State, is ordered by this Court to remove a quantity of Stores now at Kenderhook to Penselvania, and whereas the money granted him for that purpose may not be sufficient, therefore

Legislative
Records of the
Council,
xxxviii., 335.
Mass.
Archives,
ccxvii., 185.

Resolved that Levi Shephard, Commissary for the Southern Department, & Hezekiah Smith, Commissary for the Northern Department, be & they hereby are ordered & directed to supply the said Alex^r Sheppard with any sum of money he may want (not exceeding twelve hundred pounds) for said purpose, taking duplicate receipts for the sum they may supply him, one of which receipts to be sent to the Secretarys Office said Sheppard to be accountable for the same. [*Passed February 21.*]

¹ This date is February 19 according to Legislative Records of the Council.

Legislative
Records of the
Council,
xxxviii., 336.
Mass.
Archives,
ccxvii., 186.

Mass.
Archives,
ccxvii., 187.

CHAPTER 804.

RESOLVE FOR SUPPLYING THE HOSPITAL IN BOSTON WITH LINEN.

Resolved that the Board of War be & they are hereby directed to deliver to John Scollay, or order, Linnen sufficient for eight pair of Sheets for the use of the State Hospital in the Town of Boston. [*Passed February 21.*]

CHAPTER 805.

RESOLVE ESTABLISHING WAGES AND MILEAGE FOR THE MILITIA ORDERED TO RHODE ISLAND.

Legislative
Records of the
Council,
xxxviii., 336.
Mass.
Archives,
ccxvii., 190.

Mass.
Archives,
clxxiv., 38;
ccxvii., 172-
179.

WHEREAS there was fifteen hundred men of the Militia ordered to the State of Rhode Island by the Honorable Council the 22nd of December last, to serve under the command of General Spencer three months from the time they marched for which no Establishment is made,

Therefore

Resolved that each non Commission[ed] officer and private soldier drafted by s^d order, and who shall well and faithfully perform said service, shall at the expiration of said term receive from the Treasurer of this State two pounds pr kalinder month in addition to the Continental pay, and the officers commanding each company are hereby directed to present to this Court Rolls properly authenticated to be allowed payment for the same as a gratueaty or bounty for their service as aforesaid.

And it is further

Resolved that the officers and soldiers shall be allowed and paid three pence pr mile from their places of abode to the place of destination for their support and subsistance, provided each man carried their packs at their own expence. [*Passed February 23.*]

CHAPTER 806.

RESOLVE ON THE PETITION OF SAMUEL KIRKLAND.

Legislative
Records of the
Council,
xxxviii., 337.
Mass.
Archives,
ccxvii., 191.

Mass.
Archives,
cxliv., 405.

UPON THE PETITION of Sam^l Kirkland, Missionary to the Oneida Indians.

Resolved that the Board of War be & they are directed to deliver to the s^d Sam^l Kirkland three & half Bushels Salt, seven Gallons Molasses, one hundred W^t Sugar, six Gallons Brandy, sufficient Linnen for four Shirts, three Yards Shalloon, twelve Pounds Chocolate & twelve Pounds of Coffee & to take no pay for the same. [*Passed February 23.*]

CHAPTER 807.

RESOLVE ON THE PETITION OF CHARLES MILLER AND JARED TRACY.

Legislative
Records of the
Council,
xxxviii., 338.

ON THE PETITION of Charles Miller and Jared Tracy, praying that a General permitt be granted to Clear out such Vessells as they shall employ to procure Salt for the use of the Continent.

Resolved that the Naval Officers are hereby directed to Clear out all such Vessells and Cargoes as the said Miller & Tracy shall employ in the service of the United States for the Importation of Salt, they giving a Certificate under oath that the said Vessells & Cargoes are for the sole use of the Continent, any Law or Resolve to the contrary notwithstanding. [*Passed February 24.*]

Mass.
Archives,
ccxvii., 202.

Mass.
Archives,
ccxvii., 201.

CHAPTER 808.

RESOLVE DIRECTING THAT MILITIA BE DETACHED FOR SERVICE AS GUARDS AT HULL AND LONG ISLAND.

WHEREAS by a Resolve of this Court passed Jan^y 26th, 1778, Col^o Cushing was ordered forthwith to detach from the Regiment under his Command One Hundred & Fifty men to hold themselves in readiness to march to Hull, and do duty there on the shortest notice; as was Col^o Thayer ordered to detach from the Regiment under his Command Thirty six men to hold themselves in readiness to march to Long Island and do duty there on the like notice.

Legislative
Records of the
Council,
xxviii., 333.
Mass.
Archives,
ccxvii., 206.

And whereas by a Resolve of this Court of the 7th Instant, One Hundred of the above mentiond One Hundred & Fifty men detachd from Col^o Cushing Regiment, and the whole of the Thirty six men detachd from Col^o Thayer Reg^t were ordered to other Posts in and about Boston, which will verely much weaken the Post at Hull in case the Transports should arrive and l[eave]¹ that on Long Island wholly destitute, therefore

Resolved that Col^o John Cushing Commanding the 2nd Reg^t in the County of Plymouth, be & he hereby is ordered forthwith to detach from the Regiment under his Command One Hundred men, enclusing a proper number of Non Commissiond officers, 2 Drummers & 2 fifers, & when so detachd to form them into two Companys, which Companys when so formed to be commanded by two Commissioned officers, viz, one Capt[ain]¹ & one Lieut[enant]¹, & to march immediately to the Garrison at Hull, equipped with every article agreeable to the Militia Law.

That Col^o Gill be & he hereby is ordered to detach from the Regiment under his Command Eighteen men, enclusing a proper number of Non Commissioned officers and one Drummer, with one Lieutenant to command the same, to march immediately and take Post at Long Island equipt in a Sold[ier]¹like manner agreeable to the Militia Law.

That Col^o M^c Intosh be & he hereby is ordered to detach from the Regiment under his Command Eighteen men, enclusing a proper number of non Commissiond officers and one Fifer, with one Lieutenant to command the same, to march immediately & take Post at Long Island properly equipt in a Soldierlike manner agreeable to the Militia Law; the aforesaid detachments to be under the Command of Gen^l Heath and continue in the service of this State untill the Transports expected to carry off the Troops of the Convention shall have left y^e harbour of Boston, if not sooner discharged, for which service they shall be entitled to and receive the same pay and subsistence to which the Guards in Cambridge are entitled.

And be it further

Resolved that if any person so detached and ordered to march to the Post assignd him aforesaid and shall neglect or refuse so to do, or shall not procure some able bodied effective man in his room to

¹ Inserted from Legislative Records of the Council.

the exceptance of his Colonel, or pay a fine of Ten Pounds within four hours after he shall be detachd or ordered as aforesaid, shall be considered as a Sold[er]¹ in said detachment and treated accordingly; and in case any Sold[er]¹ detached as aforesaid shall pay said fine, the Colonel of said Regiment shall apply the same towards procuring some other able bodied effective man in his stead; and if the same shall be insufficient for that purpose, the Colonel aforesaid shall proceed to detach some other person from his Regiment untill the number aforesaid be compleated.

And that the Major part of the Council be desired to issue their orders to the several Officers to make their detachment for the purposes aforesaid forthwith. [*Passed February 24.*]

CHAPTER 809.

RESOLVE ON THE PETITION OF JOHN CUNNINGHAM.

Legislative
Records of the
Council,
xxxviii., 340.
Mass.
Archives,
ccxvii., 209.

ON THE PETITION of John Cunningham, late of Boston now of Worcester.

Resolved that Joseph Allen, Esq^r, Agent to the Estate of Rufus Chandler late of Worcester, Absentee, be & hereby is [directed]¹ to deliver to the s^d John Cunningham, such & so much of the Household]¹ furniture of the s^d Rufus Chandler's as [shall]¹ not be necessary to discharge the just debts [of the said Rufus,¹ untill the further order of this Court, s^d Cu[nni]ngham¹ giving Bond to s^d agent for the same with sureties to prevent the Embezzlement thereof. [*Passed February 24.*]

Mass.
Archives,
ccxvii., 210-
216.

CHAPTER 810.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO SELL ABSENTEES' GOODS AND FURNITURE AT PUBLIC VENDUE.

Legislative
Records of the
Council,
xxxviii., 343.
Mass.
Archives,
ccxvii., 217.

WHEREAS the mode prescribed the Committee of Sequestration for disposing of the Goods & Effects under their care in lots of thirty Pounds, is found by experience to be too dilatory and for many other reasons not to answer the purposes designed, therefore

Resolved that the Committee of Sequestration be & they hereby are directed to sell at Public Vendue all the Goods & Furniture in their possession and pay the money into the hands of the Treasurer of this State, any Law or Resolve of this Court to the contrary notwithstanding.

And that the Sale begin on Tuesday, the tenth day of March next at 10 o'Clock A.M. and notice thereof be given in the Boston News Papers, and the said Committee are also directed to cause hand Bills to be struck off and distributed. [*Passed February 25.*]

CHAPTER 811.

Legislative
Records of the
Council,
xxxviii., 343.
Mass.
Archives,
ccxvii., 218.

RESOLVE CONCERNING THE ESTATE OF JOSEPH SCOTT, ABSENTEE.

WHEREAS upon a representation made to this Court that the Estate of Joseph Scott, late of Boston, an Absentee, was not more than sufficient to pay his just debts, this Court by their Resolve

¹ Inserted from Legislative Records of the Council.

of the 13th of December last past, did order the Committee of Sequestration to dispose of y^e said Joseph Scott's Effects, according to the direction of the Court for the disposal of other Absentees Estates, notwithstanding a prior Order of the Court of the 18th of October last, for delivering a certain part of the said Joseph Scott's Estate to Frelove Scott, the Wife of the said Joseph, for the support of herself and children. And whereas it now appears that the abovementioned representation was premature & groundless and that the said Frelove Scott, being lately deprived by the act of God of the Effects of her said Husband which she had in her custody, she and her children are now suffering for the necessaries of life, Therefore

Resolved that the said Resolve of the 13th of December last be & hereby is revoked & declared null and void, & the Committee of Sequestration are directed to proceed according to the said Resolve of the 18th of October last, they taking care to deduct out of the proceeds of said Estate the debts that may be due therefrom. [*Passed February 25.*]

CHAPTER 812.

ORDER ON THE PETITION OF JOHN PIERCE.

In Council Read &

Ordered that Josiah Stone, Esq^r, with such as the House shall appoint be a Committee to take under consideration the Petition of Jn^o Peirce respecting the Estate of Ezra Sawyer, late of Lancaster deceased, & the Answer thereto, hear the parties & report what may be proper to be done thereon.

In the House of Representatives

Read & concurr'd & Capt Tucker & M^r Whitney are joined. [*Passed February 25.*]

Mass.
Archives,
cexvi., 374^a.

Mass.
Archives,
cexvi., 379.

CHAPTER 813.

RESOLVE DIRECTING RICHARD DERBY, JUN^r, AND BENJAMIN AUSTIN, LATE AGENTS FOR THE MIDDLE DISTRICT, TO PAY BALANCE DUE INTO THE TREASURY.

WHEREAS there appears on the adjustment of the Accounts of the Hon^{ble} Richard Derby jun^r, and Benjamin Austin Esq^{rs}, late Agents for the Middle District, a ballance due from said Agents to this State of Four thousand two hundred & forty pounds, nineteen shillings & six pence farthing, consisting of

Legislative
Records of the
Council,
xxxviii., 341.
Mass.
Archives,
clvii., 114-
118.

A Receipt of the Treasurer of New-Hampshire for counterfeit money of s ^d State	£286.	10	
A Note of said Treasurer for	62		
In Connecticut Bills of Credit	230.	2.	9
In Rhode-Island Bills of Credit	124.	12.	6
In New York Bills of Credit	55.	16	
In This States' Treasurers Notes	612.	6.	6
In This States' Bills of Credit	2,451.	16	
In Continental Bills of Credit	417.	15.	9½
	<hr/>		
	£4,240.	19.	6¼

Mass.
Archives,
clvii., 109-113.

Therefore

Resolved that said Agents be & they hereby are directed to deliver & pay into the Treasury of this State the aforesaid Receipt, Notes & Bills of Credit, taking duplicate receipts for each of the aforesaid sums mentioning therein for what currency or other

thing such receipt is given, one of each of said receipts to be lodged in the Secretarys Office. And said receipts shall be a full discharge to the said Agents for the trust to which they were appointed as Agents for this State. [*Passed February 26.*¹]

CHAPTER 814.

RESOLVE IMPOWERING HANNAH CAMP, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 344.
Mass.
Archives,
ccxvii., 219.

Mass.
Archives,
ccxvii., 220.

ON THE PETITION [of] Hannah Camp, Administratrix on the Estate of John Camp, late of Dighton in the County of Bristol Deces^d, Praying that she may be impowered to make sale of the Real Estate of the s^d John Camp in Dighton aforesaid, it is

Resolved that the said Hannah Camp be and she hereby is impowered to make sale of the Real Estate afore^{sd}, excepting the Widow's Dower and the Dower of a former Wid[ow] and to make & execute a good and lawfull Deed or Deeds to the purchaser or purchasers, giving Bond to the Judge of Probate for the County of Bristol, she observing the rules of law made for Executors and Administrators sale of Real Estates and apply the Proceeds thereof as the law directs. [*Passed February 26.*]

CHAPTER 815.

RESOLVE ON THE PETITION OF JONATHAN WILLIAMS, AGENT FOR SALE OF UNITED STATES LOTTERY TICKETS.

Legislative
Records of the
Council,
xxxviii., 346.
Mass.
Archives,
ccxvii., 222.

Mass.
Archives,
ccxvii., 223.

ON THE PETITION of Jonathan Williams, Agent for the Sale of the United States Lottery Tickets, praying that the Nine hundred Tickets of said Lottery taken by this Court in behalf of the State for the encouragement of said Lottery, may be returned to him as it will oblige the People & promote the design of the Lottery,

Therefore

Resolved that the Prayer of the Petition be granted & the Treasurer of this State is directed to deliver Jonathan Williams, Esq^r, the Nine hundred Tickets of the United States Lottery received of him on Account of this State, the said Williams giving up to the Treasurer his receipt therefor, who is directed to charge the Continent for the Tickets aforesaid. [*Passed February 27.*]

CHAPTER 816.

RESOLVE MAKING AN ALLOWANCE TO THE SPEAKER AND CLERK OF THE HOUSE.

Legislative
Records of the
Council,
xxxviii., 346.
Mass.
Archives,
ccxvii., 228.

Resolved that there be allowed & paid out of the Treasury of this State, the sum of Six shillings p^r diem to the Hon^{ble} Speaker of the House of Representatives for each days attendance as such over and above his pay as a member of the same, Also that there be paid to Samuel Freeman, Esq., the sum of Two Hundred Pounds in part for his services as Clerk of the said House for the present year. [*Passed February 27.*]

¹ This date is February 25 according to Legislative Records of the Council.

CHAPTER 817.

RESOLVE APPOINTING A COMMITTEE TO CONFER WITH GEN^L WASHINGTON.

WHEREAS many great and important consequences may arise in case the Army under General Washington was immediately reinforced with such a number of men as to enable him (by the favor of Divine Providence) effectually to defeat the Designs of Generall Howe before the arrival of any succours from Britain, Therefore

Resolved that the Hon^{bl} Dan^l Hopins Esq., & Mr Sam^l Phillips, be and hereby are appointed and enjoined immediately to proceed to Head Quarters and confer with General Washington upon the subject aforementioned, and know of him whether he has any occasion for a supply of men from this State, over and above their Quota of the Continental Army, to aid and assist him in carrying into effect any plan of operations he may have in contemplation against the Enemy the ensuing Spring, how many men he may want upon such an occasion, and how long a time he would have them engaged for and at what time & place it would be necessary for such a reinforcement to join him; and to assure him that this State in testimony of their peculiar affection and respect for him, which he has highly merited by his incessant and unwearied exertions in behalf of his Country, as well as from what they owe to the Common Cause, will cheerfully cooperate with him as far as circumstances will admit in his endeavors to expell the army under Generall Howe from this Country, & free America from that Thralldom & Slavery with which it has been threatned by its cruel & Inveterate Enemies. [*Passed February 27.*]

Legislative
Records of the
Council,
xxxviii., 347.
Mass.
Archives,
ccxvii., 224-227.

CHAPTER 818.

RESOLVE ON THE PETITION OF CAPT. DANIEL SULLIVAN.

ON THE PETITION of Daniel Sullivan.

Resolved that the said Daniel Sullivan be admitted to make up a Muster Roll at the rate of Two Pounds ten Shillings pr Month, in addition to one he made up at Two Pounds per month for the soldiers that marcht from Frenchmans Bay to Machias upon alarms three several times in the months of July, Sep^r and Octo^r last; it is further

Resolved that the said Daniel Sullivan and company be allowed the same Rations as those Officers and soldiers that marcht to the West[ward]¹ in Sep^r last.

Resolved that the said Sullivan be permitted to purch[ase]¹ of the Board of war so much of the necessarys of life for the use of the inhabitants of Frenchmans Bay as the amount of his Muster Rolls if the Board of War can spare it, it is further

Resolved that the said Daniel Sullivan have liberty to purch[ase]¹ of the Comissary Gen^l Twenty five Fire Arms, Two Hundred w^t of Powder, Eight Hundred w^t of Lead and four Hundred Flints, he giving proper security for the same to be paid to the Comissary of this Sta[te]¹ within twelve months from the date of this Resolve. [*Passed February 27.*]

Legislative
Records of the
Council,
xxxviii., 347.
Mass.
Archives,
ccxvii., 229.
Mass.
Archives,
ccxvii., 230,
234½.

¹ Text inserted from Legislative Records of the Council.

CHAPTER 819.

RESOLVE ON THE PETITION OF CAPT. HENRY CLARK.

Legislative
Records of the
Council,
xxxviii., 346.
Mass.
Archives,
ccxvii., 239, 240.
Mass.
Archives,
ccxvii., 241,
242.

WHEREAS on a representation of Cap^t Henry Clark and his two Subaltern Officers it appears that his company, who were detached from Coll Jonathan Holman's Regiment to do duty in the State of Rhode Island, have left the Post assignd them by reason of their distress'd situation for want of Provisions,

therefore

Resolved that the Hon^{ble} Council be & hereby are requested to order the said Capt Clark with his company to return to their post aforesaid, and to write to Gen^l Spencer desir[ing] him to take effectual measures for supplying them with competent & suitable Provisions while they shall continue in the aforesaid service. [*Passed February 28.*¹]

CHAPTER 820.

RESOLVE IMPOWERING COL^o CRAFTS TO SEND SOLDIERS TO THE BARRACKS AT SEWALL'S POINT FOR INOCULATION.

Legislative
Records of the
Council,
xxxviii., 349.
Mass.
Archives,
ccxvii., 236.

WHEREAS a number of soldiers in Coll Crafts' Regiment are much in danger of the Small Pox, therefore

Resolved that Coll Crafts be and hereby is impowered and directed to cause such of his soldiers as are or have been lately in danger of the Infection to be sent to Sewalls Point, provided Major General Heath shall permit them to occupy the Barracks there for that purpose, and there to be Inoculated if they choose to go through the Small Pox in that way. [*Passed February 28.*¹]

CHAPTER 821.

RESOLVE DIRECTING THE SHERIFF OF SUFFOLK TO PUT D^r JOSEPH GARDINER IN POSSESSION OF ROOMS IN THE MANUFACTORY HOUSE.

Legislative
Records of the
Council,
xxxviii., 350.
Mass.
Archives,
ccxvii., 237.

WHEREAS this Court by their Resolve of Jan^{ry} 20th, 1778, upon the Petition of D^r Joseph Gardiner praying for leave to take the Hall &c in the Manufactory in the Town of Boston for an Hospital for Col^o Crafts Regiment, did impower the said D^r Gardiner to take the said Hall with two Rooms East of it & one Chamber in the Manufactory House for the purpose aforesaid, & Whereas the said D^r Gardiner has represented to this Court that a certain Elisha Brown does obstruct & hinder him from taking possession of the Apartments abovementioned,

Therefore

Resolved that the Sheriff of the County of Suffolk be and hereby is directed forthwith to put the said D^r Joseph Gardiner into possession of the Apartments mentioned in the Resolve above-mentioned. [*Passed February 28.*]

¹ This date is February 27 according to Legislative Records of the Council.

CHAPTER 822.

APPOINTMENT OF ISRAEL CHAPIN AS COLONEL OF THE 2ND HAMPSHIRE COUNTY REGIMENT.

In the House of Representatives.

The House made choice by ballot of Israel Chapin Esq., as Colonel of the second Regiment of Militia in the County of Hampshire, in the room of Col. May deceased^d.

In Council

Read & Concurred. [*Passed February 28.*]

Legislative
Records of the
Council,
xxxviii., 351.
Mass.
Archives,
ccxvii., 238.

CHAPTER 823.

RESOLVE ON THE PETITION OF EDWARD ROBINS.

ON THE PETITION of Edward Robins, praying for allowance for his loss at the Battle on Bunker-Hill so called, for reasons set forth in his Petition.

Resolved that there be allowed and paid out of the Publick Treasury of this State to said Edward Robins, Six Pounds, two Shillings in full for his loss. [*Passed March 2.*]

Legislative
Records of the
Council,
xxxviii., 352.

CHAPTER 824.

RESOLVE ON THE PETITION OF SETH BARNES & JAMES KILLEY.

ON THE PETITION of Seth Barns and James Killy, inhabita[nts of Nova-Scotia],¹ praying they may have liberty to remove such of their [Effects into this State]¹ as may enable them to discharge sundry debts, which [they owe in this State]¹ and to return home unmolested, And also that compensa[tion may be made them]¹ for Several Articles taken from them whilst lying in their harbo[urs by the American Privateers]¹, which they have reason to think were never libelled in any Maritime [Court].¹

Resolved That the Petitioners have liberty to bring into this State so much [of their Effects as to]¹ discharge such debts as are due to persons in this State, and the Council are requested to give each of the persons above named Protections against the Privateers or armed Vessels of this State that they may come into the same and return home unmolested. [*Passed March 2.*]

Legislative
Records of the
Council,
xxxviii., 352.
Mass.
Archives,
ccxvii., 265.
Mass.
Archives,
ccxvii., 266,
267.

CHAPTER 825.

RESOLVE ON THE PETITION OF ABIGAIL FRENCH.

ON THE PETITION of Abigail French, praying for allowance of her Account for attending and providing for her Son Eleazar French, who lost his Arm in the Battle on Charlestown Heights the Seventeenth of June, Seventeen hundred and Seventy five.

Resolved that there be paid out of the Treasury of this State to the said Abigail French, the sum of Thirteen Pounds, four Shillings and Eight pence, in full discharge of said Account. [*Passed March 2.*]

Legislative
Records of the
Council,
xxxviii., 353.

¹ Text inserted from Legislative Records of the Council.

CHAPTER 826.

RESOLVE ALLOWING HALF PAY TO NATHANIEL BAKER.

Legislative
Records of the
Council,
xxxviii., 353.
Mass.
Archives,
ccxvii., 250.

Mass.
Archives,
ccxvii., 251-
252}.

ON THE REPRESENTATION of John Lucas, Commissary of Continental Pensioners, in behalf of Nath^l Baker, late a soldier in Cap^t Nath^l Wade's Company & Col^o Moses Little's Rigem^t, & who was wound^d on the Heights of Charlestown the 17th of June, 1775.

Resolved that the said Nath^l Baker is intitled to half pay as a soldier to comence on the first of Jan^y 1776. [*Passed March 2.*]

CHAPTER 827.

RESOLVE RESPECTING PENSION OF ELEAZAR FRENCH, DECEASED.

Legislative
Records of the
Council,
xxxviii., 353.
Mass.
Archives,
ccxvii., 253.

Mass.
Archives,
ccxvii., 254,
254}.

ON THE REPRESENTATION of John Lucas, Commissary of Continental Pensioners, in behalf of Eleazar French, a soldier in Cap^t Gilbert's Comp^y & Col^o Will^m Prescott's Rigem^t, who lost one of his arms in the Battle on Charlestown [Heights] the 17th of June, 1775, and died of his wounds the 26th of Octob^r, 1776.

Resolved that the Heirs of the said Eleazar French are intitled to one half his pay as a Soldier from the 1st of Jan^y to the 26th of October, 1776. [*Passed March 2.*]

CHAPTER 828.

RESOLVE ALLOWING HALF PAY TO JOHN PRIEST.

Legislative
Records of the
Council,
xxxviii., 354.
Mass.
Archives,
ccxvii., 247.

Mass.
Archives,
ccxvii., 248,
249.

ON THE REPRESENTATION of John Lucas, Commissary of Continental Pensioners, in behalf of John Preist, late a Soldier in Cap^t King's Comp^y & Col^o Tho^s Marshall's Rigem^t, who was wounded on the retreat from Ticonderoga on the 8th of July last, and discharged from the service the 27th of Febua^y, 1778.

Resolved that the said John Preist is intitled to half pay to comence on the said 27th of Feb^y, 1778. [*Passed March 2.*]

CHAPTER 829.

RESOLVE ON THE PETITION OF CAPT. JOSIAH GODFREY.

Legislative
Records of the
Council,
xxxviii., 355.
Mass.
Archives,
ccxvii., 263^a.

Mass.
Archives,
ccxvii., 263.

THE COMMITTEE on the Petition of Josiah Godfrey have heard the Petitioner on the subject matter of his Petition and beg leave to report by way of Resolve:

In the House of Representatives

Resolved that the wages of Josiah Godfrey, Master of the Brig^t Swift, a Cartel Vessel, be continued untill the 17th day of January last.

In Council

Read & Concurr^d. [*Passed March 2.*]

CHAPTER 830.

APPOINTMENT OF FIELD OFFICERS FOR THE REGIMENT LATELY
COMMANDED BY COL. KEYES.

In the House of Representatives

The House made choice by ballot of the following Gentlemen as
Field Officers for the Regiment lately commanded by Coll Keyes,
viz.

Nathanael Wade	.	.	.	.	.	.	.	.	Colonel
Henry Wood	.	.	.	.	.	.	.	.	Lieut Colonel
Francis Wilson	.	.	.	.	.	.	.	.	Major

Legislative
Records of the
Council,
xxxviii., 355.
Mass.
Archives,
ccxvii., 262.

In Council

Read & Concurred. [*Passed March 2.*]

CHAPTER 831.

APPOINTMENT OF FIELD OFFICERS FOR THE REGIMENT LATELY
COMMANDED BY COL. ROBINSON.

In the House of Representatives

The House made choice by ballot of the following Gentlemen as
Field-Officers for the Regiment lately commanded by Coll Robin-
son, viz.

John Jacobs	.	.	.	.	.	.	.	.	Colonel
Frederick Pope	.	.	.	.	.	.	.	.	Lieut Colonel
Abishai Brown	.	.	.	.	.	.	.	.	Major

Legislative
Records of the
Council,
xxxviii., 355.
Mass.
Archives,
ccxvii., 261.

Mass.
Archives,
ccxvi., 409;
ccxvii., 174.

In Council

Read & Concurred. [*Passed March 2.*]

CHAPTER 832.

RESOLVE ON THE PETITION OF SILVANUS SCOTT.

ON THE PETITION of Silvanus Scott of Machias, praying for
relief under his distressed circumstances occasioned by the Enemy's
burning his House and Barn and plundering him of many valuable
articles.

Resolved that there be allowed and paid out of the Treasury of
this State to the said Silvanus Scott, Fifty Pounds for the present
support of his Family. [*Passed March 2.*]

Legislative
Records of the
Council,
xxxviii., 356.

Mass.
Archives,
ccxvii., 255-
260.

CHAPTER 833.

RESOLVE ON THE PETITION OF UDNY HAY, DEPUTY QUARTER-
MASTER GENERAL.

ON THE PETITION of Udney Hay, D. Q. M. G, praying that he
or his Agents may be impowred (in case of necessity) to impress
so many Teams as he may want to transport Publick Stores to
Albany.

Resolved that the Committee of Correspondence, Inspection &
Safety or Selectmen of the several Towns in the Northern depart-

Legislative
Records of the
Council,
xxxviii., 357.
Mass.
Archives,
ccxvii., 277.

Mass.
Archives,
ccxvii., 278,
280.

ment within this State be, & they are hereby authorized & directed, upon application made to them by the said Hay or his Agent or Agents, to furnish him or them, with such and so many Teams and Carriages as he or they may require for the purpose aforesaid: And in case they cannot be procured otherwise than by Impressing they the Committees or Selectmen aforesaid, are hereby impowered & directed to Impress such & so many Teams and Carriages as may be wanted for the use aforesaid, he the said Hay or his Agents paying such prices therefor as said Committees or Selectmen shall think reasonable. [*Passed March 3.*]

CHAPTER 834.

RESOLVE CONTINUING THE COMMITTEE ON REPAIR OF THE ROADS THROUGH THE GREEN WOODS.

Legislative
Records of the
Council,
xxxviii., 357.
Mass.
Archives,
ccxvii., 275.

Resolved that Noah Goodman Esq^r, Nathaniel Kingsley Esq^r, Mr Ephraim Wright & John Chadwick Esq^r, who were appointed a Committee Sep^r 19th, 1777, to procure necessary repairs of the Roads thro' the Green Woods in the Western parts of this State, be continued a Committee to procure further necessary repairs of s^d Roads as soon as may be practicable this Spring. [*Passed March 3.*]

CHAPTER 835.

RESOLVE IMPOWERING JOHN MOOR, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 357.
Mass.
Archives,
ccxvii., 268.
Mass.
Archives,
ccxvii., 269.

ON THE PETITION of William Elder and Sarah Elder of Worcester, and John Moor of Rutland, Administrator on the Estate of Samuel Crawford, late of Barre Deceased, praying said Administrator may be impowered to sell Sixty four acres of Land & the Buildings thereon, being a part of the Real Estate of said Deceased.

Resolved that the Prayer of the Petition be granted and that said John Moor in his said capacity be and is hereby impowered to make sale of the said Sixty four acres of Land & the Buildings thereon, assigned & set off to Sarah Crawford, the widow of said Deceased, during her natural life, & to the Heirs of James Crawford Dec^d, for the most the same will fetch, and to make and execute a good Deed or Deeds in the law to the purchaser or purchaser, he observing the rules in the law for the sale of Real Estates by Executors & Administrators, and giving Bond to the Judge of Probate for the County of Worcester that the proceeds of said sale be disposed of according to law. [*Passed March 3.*]

CHAPTER 836.

RESOLVE ON THE PETITION OF BENJAMIN FURNASS.

Legislative
Records of the
Council,
xxxviii., 358.
Mass.
Archives,
cxxxiv., 12, 13.

UPON THE PETITION of Benjamin Furnass setting forth that he, by the permission of this Court, had proceeded to Nova Scotia in the Schooner Two Brothers, Joseph Williams Master, to bring up Effects belonging to Ebenezer Thayer; but that said Schooner proving leaky, & Cap^t Williams absent, he was obliged to take

another Vessel & Master to return with said Thayer's Effects; & that upon his passage up putting into Casco Bay, the Vessel & Cargo was seized by George Dike, Commander of the Fort there, as not being under the permission granted by this Court; And therefore praying the Court to order that said Vessel & Cargo be released to him.

Mass.
Archives,
clxxxiv., 11;
ccxviii., 331.

Resolved that the prayer of said Petition be so far granted as that the Vessel & Cargo, set forth by the Petitioner to be under the custody of Mr George Dieke, Commander of the Fort at Casco Bay, be immediately released & permitted to proceed up to Boston, where upon her arrival report is ordered immediately to be made by the Commander of said Vessel to the Board of War (under whose directions said Furnass proceeded to Nova Scotia in the Sch^r Two Brothers). And said Board are directed to make needfull enquiry whether the conditions in the Permission granted by a Resolve of this Court the 30th of September last to Ebenezer Thayer & said Furnass, have been properly complied with. [*Passed March 3.*]

CHAPTER 837.

VOTE ON REPORT OF COMMITTEE RELATIVE TO THE ISSUANCE OF PASSES.

THE COMMITTEE of both Houses appointed to consider what is proper to be done with respect to those Persons who were lately Apprehended by the Peace Officers of the Town of Boston; Also what is proper to be done for the Security of the Inhabitants of that Town & the Neighbouring Towns, and to bring in a Resolve for Preventing Persons from Passing through any Town in this State without a Pass:

Legislative
Records of the
Council,
xxxviii., 355.
Mass.
Archives,
ccxvii., 281.

Beg leave to report, that it appears by a Resolve of the 14th of January, that the first part is provided for; And that part which relates to preventing Persons passing through any Town in this State without a Pass; your Committee have duly considered the same and beg leave to report, unanimously, that they apprehend it will be attended with so many evils & damage to many good People throughout this State, that it is not expedient to pass any such Resolve.

Mass.
Archives,
ccxvi., 288;
ccxvii., 235.

JOHN TAYLOR Pr order

In Council
Read & Accepted
In the House of Representatives
Read & concurrd. [*Passed March 4.*¹]

CHAPTER 838.

RESOLVE ON THE APPLICATION OF GEN^L PUTNAM.

UPON THE APPLICATION of Gen^L Putnam for sundry articles necessary for fortifying Hudson's River.

Resolved that the hon^{ble} Council be & they hereby are desired & the Board of War are hereby directed to give Gen^L Putnam all possible assistance in procuring such Cables & Cannon as he wants & can be spared from this State. [*Passed March 4.*]

Legislative
Records of the
Council,
xxxviii., 359.
Mass.
Archives,
ccxvii., 282.

Mass.
Archives,
ccxvii., 283,
284.

¹ This date is March 2 according to Legislative Records of the Council.

CHAPTER 839.

RESOLVE RELATIVE TO THE PAY OF THE REGIMENTS RAISED FOR
DEFENCE OF RHODE ISLAND.

Legislative
Records of the
Council,
xxxviii., 359.
Mass.
Archives,
ccxvii., 285.

WHEREAS doubts have arisen whether the encouragements offered by a Resolve of this Court of December 13, 1777, to the Officers & Soldiers who should serve in the two Regiments in the service of this State under the command of Colonels Robinson & Keyes, will extend to said Officers & Soldiers since other Colonels have been appointed to command said Regiments: It is therefore

Resolved that the Officers & Soldiers who are engaged or may engage in either of said Regiments under whose-ever command they may be, shall be entitled to the pay, rations & other encouragements offered in said Resolve in as full & ample manner as they might have been, had said Robinson & Keyes continued to command said Regiments. [*Passed March 4.*]

CHAPTER 840.

RESOLVE ALLOWING ADDITIONAL PAY TO THE JUSTICES OF THE
SUPERIOR COURT.

Legislative
Records of the
Council,
xxxviii., 360.
Mass.
Archives,
ccxvii., 287.
Mass.
Archives,
ccxvii., 288,
289.

WHEREAS it appears to this Court that the extra Grants made to the honorable Justices of the Superior Court, in consideration of the advanced prices of the necessaries of life, the last year, were inadequate to the purpose for which they were intended, therefore,

Resolved that there be further allowed & paid out of the Treasury of this State to the honorable William Cushing Esq^r, the sum of One hundred and fifty Pounds; to the honorable Jedediah Foster Esq^r, the sum of One hundred & fifty Pounds; to the honorable Nathaniel Peasley Sergeant Esq^r, One hundred and fifty pounds; to the honorable James Sullivan Esq^r, One hundred & fifty pounds; & to the honorable David Sewall Esq^r, Fifty Pounds; as additional Grants for the reason above-mentioned & in full to the first day of January last. [*Passed March 4.*]

CHAPTER 841.

RESOLVE IMPOWERING EXPERIENCE BLACKMAN, ADMINISTRA-
TRIX, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 360.
Mass.
Archives,
ccxvii., 290.

ON THE PETITION of Experience Blackman, Widow and Administratrix on the Estate of her late Husband Josiah Blackman, of Stoughtonham in the County of Suffolk Deceased, praying for liberty to sell the Real Estate mentioned in said petition.

Resolved that the Prayer of the Petition be granted, and that the said Experience Blackman in her said capacity be and is hereby impowred to make sale of the Real Estate aforesaid for the most the same will fetch, mentioned in said Petition, and to make and execute a good Deed or Deeds in the law to the purchaser or purchasers, she observing the rules in the law for the sale of Real Estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Suffolk that the proceeds of said sale be disposed of according to law. [*Passed March 4.*]

Mass.
Archives,
ccxvii., 291.

CHAPTER 842.

RESOLVE FOR OBTAINING RETURNS FROM TOWNS AND PLANTATIONS RESPECTING A FORM OF GOVERNMENT.

WHEREAS in consequence of a Resolve of the General Court of this State passed May 5, 1777, the present House of Representatives were at their respective elections, instructed in one Body with the Council "to form such a constitution of Government as they should judge best calculated to promote the happiness of this State;" and the Council & House of Representatives having accordingly in Convention assembled agreed to a Form of Government to be laid before the Inhabitants of this State agreeably to said Resolve, It is therefore

Legislative
Records of the
Council,
xxxviii., 361.
Mass.
Archives,
ccxvii., 292,
294.
Mass.
Archives,
clvi., 203-
303.

Resolved that a printed Copy of said Form of Government be forthwith transmitted to the Selectmen of each Town and the Committee of each Plantation, and the said Selectmen & Committees are hereby directed to lay the same before their respective Towns or Plantations at a regular meeting of the male Inhabitants thereof, being free & twenty one years of age, to be called for that purpose, in order to its being duly considered & approved or disapproved by said Towns & Plantations. And the said Selectmen and Committees are hereby further directed to make a return of the doings of their respective Towns & Plantations into the Secretary's office of this State by the fifteenth Day of June next, specifying in such return the number present in such meeting voting for, and the number voting against said Form of Government; and where the Inhabitants of any Town or Plantation voting in such meeting are unanimous, the Selectmen or Committee are directed in their return to specify the number so voting and whether for or against said Form of Government; as it is necessary that the whole number voting for, and the whole number voting against said Form of Government, throughout the State be known.

And it is hereby recommended to the several Towns & Plantations within this State to instruct their respective Representatives upon this Subject, that so the General Court may be properly empowered to establish this Form of Government, if upon a fair examination of the returns aforesaid by the General Court or such a Committee as they shall appoint for that purpose, it shall appear that it is approved of, by at least two thirds of those who are free and twenty one years of age belonging to this State and present in the several meetings. [*Passed March 4.*]

CHAPTER 843.

APPOINTMENT OF FIELD OFFICERS OF THE 8TH ESSEX COUNTY REGIMENT.

In the House of Representatives

The House made choice by ballot of the following Gentlemen as Field Officers for the eighth Regiment of Militia in the County of Essex, viz.

Larkin Thorndike	.	.	.	.	.	.	.	.	Colonel
Enoch Putnam	.	.	.	.	.	.	.	.	Lieut Colonel
Caleb Lowe	.	.	.	.	.	.	.	.	first Major
John Flint	.	.	.	.	.	.	.	.	second Major

Legislative
Records of the
Council,
xxxviii., 362.
Mass.
Archives,
ccxvii., 295.

In Council

Read & Concurred. [*Passed March 4.*]

CHAPTER 844.

APPOINTMENT OF FIELD OFFICERS OF THE 1ST PLYMOUTH COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 362.
Mass.
Archives,
ccxvii., 296.

In the House of Representatives

The House made choice by ballot of the following Gentlemen as Field Officers for the first Regiment of Militia in the County of Plymouth, viz.

John Gray	.	.	.	.	.	.	.	.	.	Lieut Colonel
Seth Cushing	.	.	.	.	.	.	.	.	.	first Major
Nathaniel Goodwin	.	.	.	.	.	.	.	.	.	second Major

In Council

Read & Concurred. [*Passed March 4.*]

CHAPTER 845.

RESOLVE FOR SUPPLYING THE CONTINENTAL SOLDIERS WITH SHOES, ETC.

Legislative
Records of the
Council,
xxxviii., 363.
Mass.
Archives,
ccxvii., 297.

Resolved that the Board of Warr be directed forthwith to procure ten thousand Shirts, ten thousand pair of Stockings, and ten thousand pair of Shoes, & deliver the same to y^e Conductor of Stores for this State, who is hereby order'd to transport y^e same without delay to y^e Army & there deliver them to y^e Commissarys of Stores for this State; & the said Commissarys are hereby order'd & directed to deliver to each non Commission'd Officer & private Soldier raised as this State's proportion of y^e Continental Army, one Shirt, one pair of Stockings & one pair of Shoes, as a Present from this State; & the said Commissarys are further ordered & directed to take two Certificates from y^e Commanding Officers of each Regiment from this State ascertaining y^e number of y^e above Articles so delivered, one of which Certificates shall be sent by said Commissarys to y^e Secretarys Office in this State. And if after supplying the clothing aforesaid there shou'd be a remainder on hand, y^e said Commissarys are directed to sell them as other Stores & to account with this Court for y^e same. [*Passed March 5.*]

CHAPTER 846.

RESOLVE FOR PAYING CONTINENTAL WAGES TO THE MILITIA THAT MARCHED TO REINFORCE THE NORTHERN ARMY.

Legislative
Records of the
Council,
xxxviii., 363.
Mass.
Archives,
ccxvii., 298.
Mass.
Archives,
ccxvii., 1.

WHEREAS it is represented to this Court, that several of the detachments of the Militia of this State, which march'd to reinforce the Northern Army under the command of General Gates, by Order of Council of the 22nd of September last, & some who march'd at the request of Gen^l Gates previous to the said Order of Council have not received their Monthly or Continental Pay, by reason of deficiency of money in the hands of the Paymaster Gen^l of that Department or for want of proper Orders relative thereto; & Whereas the expence of applications to the Commanding Officer of the Northern Army for orders for payment, & the uncertainty of receiving payment when such order is obtain'd, will be so great as to be an unreasonable burden upon those whose

business it is to make up the Rolls, considering the small sums that may be due, & will tend greatly to discourage the spirited exertions of the Militia upon sudden emergencies in future. Therefore

Resolved that there be advanced and paid out of the Treasury of this State to the several Officers & Privates, who serv'd in the said detachments, the sums due to them respectively for their Wages, Rations & Mileage due to them for their Continental Pay, provided that the Officers making up the Rolls shall make oath that they have not received their pay for that service or any order upon the Paymaster General for that purpose; & the Committee appointed to examine the Muster Rolls are hereby directed to examine & pass such Rolls, & that an acc^t of all Monies advanced & paid by this State in consequence of this Resolve with the proper vouchers be laid before Congress for allowance. Also

Resolved that such of the detachments of the Militia from the four Western Counties in this State, who march'd by Order of Council or by Order of the Commanding Officers of the respective Counties upon the Alarm at Ticonderoga, or upon the Alarm at Bennington since the first of June last, & who have not receiv'd their Continental Pay shall be entitled to receive y^e same from the Publick Treasury in manner as above expressed, and that the Pay Rolls which shall be made up for the Continental Pay in all the cases abovenamed, shall be made up separte from y^e additional pay from the State. [*Passed March 5.*]

CHAPTER 847.

RESOLVE ON THE PETITION OF JOHN WALLIS.

ON THE PETITION of John Wallis, setting forth that whilst he was on board the Schooner Lyon, in the service of this State, he was taken by a British Frigate & detained Several months, and praying for an allowance for his time whilst he was detained, &c.

Resolved that there be allowed & paid out of the Publick Treasury Three pounds to John Wallis, in full for his wages whilst in the service of this State on board the Schooner Lyon. [*Passed March 5.*]

Legislative
Records of the
Council,
xxviii., 364.
Mass.
Archives,
ccxvii., 300.

Mass.
Archives,
ccxvii., 300.

CHAPTER 848.

RESOLVE ON THE PETITION OF CAPT. MOSES BARLOW.

ON THE PETITION of Moses Barlow, Setting forth that he was taken prisoner by a British Frigate when he was in the service of this State, on board the Schooner Lyon, by means of which he lost much time & all his Sea Instruments, and praying for an allowance for the same.

Resolved that there be allowed and paid out of the Publick Treasury of this State Four pounds ten Shillings to Moses Barlow, in full for his wages whilst in the service of this State on board the Schooner Lyon. [*Passed March 5.*]

Legislative
Records of the
Council,
xxviii., 365.
Mass.
Archives,
ccxvii., 302.

Mass.
Archives,
ccxvii., 303.

CHAPTER 849.

RESOLVE ON THE PETITION OF JOSEPH BRACKETT.

Legislative
Records of the
Council,
xxxviii., 365.
Mass.
Archives,
ccxvii., 304.
Mass.
Archives,
ccxvii., 305, 306.

ON THE PETITION of Joseph Brackett of Lee in the State of New-Hampshire, and Mary his Wife, as She is mother and next of kin to Elizabeth Nye and Mary Nye, two minors under the age of fourteen years, & daughters of Adinah Nye, late of Pownalborough Deceased, praying to sell the Real Estate mentioned in said Petition for the reasons therein sett forth.

Resolved that the Prayer of Said Petition be granted and that the said Joseph Brackett and Mary his Wife, in their said capacity be and hereby [are] impowred to make sale of the Real Estate mentioned in said Petition for the most the same will fetch, and make and execute a good Deed or Deeds in law to the purchaser or purchasers, they observing the rules in the law for the sale of Real Estates by Executors and Administrators, and giving Bond to the Judge of Probate for the County of Suffolk that the proceeds of said sale be disposed of according to law. [*Passed March 5.*]

CHAPTER 850.

RESOLVE ON THE PETITION OF DAVID BROWN.

Legislative
Records of the
Council,
xxxviii., 366.
Mass.
Archives,
ccxvii., 307.
Mass.
Archives,
ccxvii., 308.

ON THE PETITION of David Brown praying he may have liberty to go to Halifax in the next Cartel.

Resolved that the Prayer of the Petition be granted and that the Council be desired to permitt the Petitioner with his Family and Effects to go to Halifax in Nova Scotia in the next Cartel, he paying the Charges. [*Passed March 5.*]

CHAPTER 851.

RESOLVE DISMISSING ALEX^r SHEPHARD, CONDUCTOR OF STORES.

Legislative
Records of the
Council,
xxxviii., 367.
Mass.
Archives,
ccxvii., 310.
Mass.
Archives,
ccxvii., 309.

WHEREAS it appears to this Court that M^r Alex^r Shephard, lately appointed Conductor of Stores, has not conducted with the dispatch & prudence which the service required, and by reason of his advanced age is unable to execute the duty of the office to which he has been appointed, it is therefore

Resolved that the said Alex^r Shephard be dismist from any further services as a Conductor of Stores for this State. [*Passed March 6.*]

CHAPTER 852.

RESOLVE ON THE PETITION OF SAMUEL FREEMAN.

Legislative
Records of the
Council,
xxxviii., 367.
Mass.
Archives,
ccxvii., 311.
Mass.
Archives,
ccxvii., 312.

Resolved that the Committee of Sequestration be & hereby are directed to deliver to Samuel Freeman a sett of Blackstone's Commentaries, he paying a reasonable price for the same. [*Passed March 7.*]

CHAPTER 853.

RESOLVE ON THE PETITION OF STEPHEN BLANEY.

ON THE PETITION of Stephen Blaney praying for leave to go to Nova Scotia to move his Family into this State.

Resolved that the prayer of the Petition be granted, and that the said Blaney have liberty to proceed to Yarmouth in Nova Scotia and to return with his Family and Effects to Marblehead, provided said Blaney carry nothing out of the State but what is necessary for that purpose. And all Privattees & armed Vessells belonging to this State are directed to lett the said Blaney pass and repass with his Family & Effects as aforesaid without mollistation, and it is hereby recommended to the commanders of all armed Vessels belonging to the United States, or any one of them to suffer s^d Blaney to pass unmolested. [*Passed March 7.*]

Legislative
Records of the
Council,
xxxviii., 367.
Mass.
Archives,
ccxvii., 313.

CHAPTER 854.

RESOLVE IMPOWERING THE CONDUCTOR OF STORES TO IMPRESS TEAMS, ETC.

WHEREAS the Resolve for appointing a Conductor of Stores pass'd December 4th, 1777, is in some respects insufficient to answer the ends proposed thereby, it is further

Resolved That the Conductor of Stores or his Deputy (if he shall judge it best) apply to any Justice of the Peace, or the Select Men or Committee of Safety, where no Justice is, of any Town in this State, who are hereby authorized & directed on such application to issue their Warrant to a Constable to impress as many Teams, Carriages & Drivers as s^d Conductor or his Deputy shall require. It is further

Resolved that s^d Conductor whenever he stand in need of Teams, Guards &c out of this State, be directed to apply to the Civil or Military Authority of the State he may be in, who are hereby desired to grant him all the Aid & Assistance he may request. It is further

Resolved that the s^d Conductor shall be allowed and paid for his own service & the use of his Horse the sum of Twenty Shillings p^r Day, for each day he shall be actually employed in s^d service, exclusive of his reasonable expences, till the further Order of this Court. [*Passed March 7.*]

Legislative
Records of the
Council,
xxxviii., 369.
Mass.
Archives,
ccxvii., 315.

CHAPTER 855.

ORDER APPOINTING A COMMITTEE TO BRING IN A BILL FOR REGULATING PRICES OF LABOUR.

REPORT of the Members of the two Houses to Confer on the Subject matter of the Report of the Commissioners who have lately met at New-Haven to appoint a Committee to bring in a Bill for regulating the prices of Labour, &c.

Legislative
Records of the
Council,
xxxviii., 368.

In the House of Representatives,

Read and accepted, and thereupon

Ordered, that Capt. Stone, Brigadier Lovell, M^r Wadsworth, M^r

Singletary and Mr Thomas with such as the Hon^{ble} Board shall join, be a Committee to bring in a Bill for the purpose therein mentioned.

In Council

Read & Concurred, and Thomas Cushing, Joseph Palmer, Samuel Holten and Timothy Danielson Esq^{rs} are joined. [*Passed March 7.*]

CHAPTER 856.

RESOLVE IMPOWERING THE TREASURER TO LOAN THIRTY THOUSAND DOLLARS TO MAJ. GEN^L HEATH.

Legislative
Records of the
Council,
xxxviii., 370.
Mass.
Archives,
ccxvii., 316.

WHEREAS Maj^r Gener^L Heath has applied to this Court for the Loan of thirty thousand Dollars for a short time, and whereas the state of the Treasury at present is such that the said Sum cannot be furnished, it is therefore

Resolved that the Treasurer of this State be & he is hereby empowered to borrow from any person or persons who are willing to lend the same, a Sum not exceeding Thirty thousand Dollars and give his note to repay the same on Demand, and the Treasurer is hereby Directed to lend the money he may so borrow to Maj^r Gen^L Heath, takeing his obligation for the same payable on Demand. [*Passed March 9.*]

CHAPTER 857.

RESOLVE ALLOWING £10,000 TO THE COMMITTEE TO SUPPLY SMALL STORES, ETC.

Legislative
Records of the
Council,
xxxviii., 370.
Mass.
Archives,
ccxvii., 317.

Resolved that the Treasurer of this State be & he hereby is directed to pay to the Committee appointed to Supply the army with Slops & Small Stores, the sum of Ten thousand pounds, they to be accountable to the Gen^L Court for the Sums they shall respectively receive. [*Passed March 9.*]

CHAPTER 858.

RESOLVE ALLOWING £300 TO JOHN LUCAS, COMMISSARY OF PENSIONERS.

Legislative
Records of the
Council,
xxxviii., 371.
Mass.
Archives,
ccxvii., 318.

Resolved that there be paid out of the publick Treasury to John Lucas, Commisary of Continential pinsioners, the sum of three hundred pounds to enable him to pay the severall pinsions as they become due, he to be accountable to the Gen^L Court for the expenditure of the same. [*Passed March 9.*]

CHAPTER 859.

RESOLVE ALLOWING £4,700 TO JOHN GODDARD, CONDUCTOR OF STORES.

Legislative
Records of the
Council,
xxxviii., 371.

Resolved that there be paid out of the Treasury of this State to John Goddard, Conductor of Stores for this State, the sum of Three thousand five hundred pounds to enable him to discharge the trust reposed in him, and it is further

Resolved that Levi Shephard, Esq^r, Commissary for this State in the Southern department, and Hezekiah Smith, Esq^r, Commissary in the Northern department, be & they hereby are ordered & directed to furnish the said Conductor on his application therefor with a sum not exceeding Twelve hundred pounds, taking two receipts for the sum they shall so furnish, one of which to be sent to the Secretaries office, the said Conductor to be accountable to the Gen^l Court for the expenditure of the same.

And it is further

Resolved that the Said Conductor be & he hereby is Impowered & directed to purchase a Suitable Horse for the Business at the Expence of this State. [*Passed March 9.*]

Mass.
Archives,
ccxvii., 319.

CHAPTER 860.

RESOLVE ON THE PETITION OF JONATHAN JACKSON AND JOHN BROMFIELD.

UPON THE PETITION of Jon^a Jackson & John Bromfield, praying permission to send to Yarmouth in Nova Scotia to procure a Debt due from the Estate of John Barnard, late of that place.

Resolved That any effects belonging to the Estate of John Barnard, that may be sent from Yarmouth in Nova Scotia for the purpose of discharging a Debt due from said Barnard to Jonathan Jackson & John Bromfield of Newburyport before the present Warr began, be allowed safe Passport to this State, & all Commanders of vessells belonging to this State or y^e subjects of it are directed, & those Commanders of vessells belonging to other of y^e United States are requested to permitt such effects to pass unmolested to this State. [*Passed March 9.*]

Legislative
Records of the
Council,
xxxviii., 371.
Mass.
Archives,
ccxvii., 320.
Mass.
Archives,
ccxvii., 321.

CHAPTER 861.

RESOLVE ON THE PETITION OF BENJAMIN RICHARDS AND OLIVER MORTON.

ON THE PETITION of Benjamin Richards & Oliver Morton, setting forth that they were taken in the Brigantine Independence, commanded by Cap^t Sampson, in the service of this State, and that they have received no wages from the fifth of July last untill they got home.

Resolved that there be allowed and paid out of the public Treasury of this State Sixteen pounds nine Shillings & 6^d to Benjamin Richards, in full for his wages from the fifth of July last to the first of Feb^ry last when he returned home. It is further

Resolved that there be allowed & paid out of the publick Treasury Four pounds Twelve Shillings & 9^d to Oliver Morton, in full for his wages from the fifth of July last, to the first day of November last, which time he was in the pay of this State. [*Passed March 9.*]

Legislative
Records of the
Council,
xxxviii., 372.
Mass.
Archives,
ccxvii., 322.
Mass.
Archives,
ccxvii., 323.

CHAPTER 862.

RESOLVE ON THE PETITION OF CALEB HOPKINS.

Legislative
Records of the
Council,
xxxviii., 372.
Mass.
Archives,
ccxvii., 325.

UPON THE PETITION of Caleb Hopkins praying that permission may be given to William Lambert to return from Nova Scotia with his Family & Effects.

Resolved that William Lambert, formerly an inhabitant of Boston, be permitted to return with his Family & Effects from Nova Scotia to this State, & that all Vessells of War belonging to the subjects of this State are directed not to molest or hinder y^e said Lambert with his Effects, while on his voyage for any part of this State, & it is recommended to all Commanders of Vessells belonging to any of the United States to permit y^e said Lambert his Family & Effects to return to this State unmolested. [*Passed March 9.*]

CHAPTER 863.

RESOLVE ON THE PETITION OF SAMUEL NOWELL.

Legislative
Records of the
Council,
xxxviii., 372.
Mass.
Archives,
ccxvii., 326.

ON THE PETITION of Samuel Nowell, setting forth that he was taken prisoner with Cap^t Sampson in the Brigantine Independence, that he hath not rec^d his full wages, and praying that the remainder of his wages may be paid.

Mass.
Archives,
ccxvii., 327.

Resolved that there be allowed and paid out of the public Treasury of this State Sixteen pounds to Samuel Nowell or order, in full for his wages whilst in the pay of this State, Viz., from July y^e 5th to January y^e 25th, @ 48/ 6^p month. [*Passed March 9.*]

CHAPTER 864.

RESOLVE DIRECTING THE TREASURER TO RECEIVE £400 FROM JONATHAN LOWDER, TRUCK MASTER.

Legislative
Records of the
Council,
xxxviii., 373.
Mass.
Archives,
ccxvii., 328.

Resolved that the Treasurer of this State be and hereby is directed to receive of Jonathan Lowder, Truck Master of the Penobscot Indians, Four hundred pounds, which sum when paid said Lowder shall have credit for upon the final settlement of his Accounts. [*Passed March 9.*]

CHAPTER 865.

RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS IN PLYMOUTH COUNTY.

Legislative
Records of the
Council,
xxxviii., 373.
Mass.
Archives,
ccxvii., 329.

WHEREAS by a Resolve of the General Court of the 2^d of Dec^r, 1777, the Court of General Sessions of the Peace & Inferiour Court of Common Pleas for the County of Plimouth, which by Law was to be holden at Plimouth within & for the County of Plimouth on the second Tuesday of Dec^r, 1777, was adjourned to the third Tuesday of April next (thrô mistake) instead of the second, which by Law is the day said Courts are to be holden at Plimouth within & for the County of Plimouth, Therefore

Resolved that the Court of General Sessions of the Peace &

Inferiour Court of Common Pleas for the County of Plimouth, that now stands adjourned to the third Tuesday of April next be held at Plimouth within & for the County of Plimouth on the second Tuesday of April next, and that all writs, processes & recognizances returnable to, & all appeals made to the said Court of General Sessions of the Peace & Inferiour Court of Common Pleas appointed by Law to be holden at Plimouth and all matters, causes & things that have day or that might have been had, moved or done at, in or by the said Courts at the time so appointed for holding the same, shall be returnable to & may be entered, prosecuted, had, moved & done at, in & by the said Courts at the time hereby appointed for holding the same, any thing in the forementioned Resolve notwithstanding. [*Passed March 9.*]

CHAPTER 866.

RESOLVE IMPOWERING SELECTMEN AND COMMITTEES OF CORRESPONDENCE TO ENLIST OR DRAFT MEN FOR THE CONTINENTAL ARMY.

WHEREAS doubts have risen in the minds of many whether the Selectmen and Committees of Correspondence, &c., have power to draft men for the Continental Army when the Officers are absent from their Town doing duty in this State or any one of the United States.

Legislative
Records of the
Council,
xxxviii., 374.
Mass.
Archives,
ccxvii., 330.

Resolved that the Selectmen and Committees of Correspondence, &c., of any Town in this State where the officers of the Militia are absent doing duty in this State or any one of the United States or where no officers are appointed, be and they hereby are empowered and directed to proceed immediately to completing the number of men yet wanting for the Continental Army, or in any other case where the militia is called upon to do duty as Guards in this or any of the United States, by drafting or otherwise as the Resolutions of the General Court direct. [*Passed March 10.*]

CHAPTER 867.

RESOLVE IMPOWERING THE COMMITTEE OF CORRESPONDENCE OF GORHAM TO MAKE TERMS WITH PERSONS CHARGED WITH REMOVAL OF ABSENTEES EFFECTS.

WHEREAS by a Resolve of this Court of the 20th of June last, the Committee of Correspondence, &c., of the Town of Gorham in the County of Cumberland, were directed to cause a number of persons to be apprehended & brought to justice for entering into the Dwelling House of one of the s^d Committee, & carrying from thence a quantity of Goods which were orderd by this Court to remain in the hands of said Committee, and in consequence of said Resolve a prosecution is now pending in the Court of General Sessions for said County. And whereas it has been represented to this Court, that the persons prosecuted are desirous of settling the matter with said Committee.

Legislative
Records of the
Council,
xxxviii., 375.
Mass.
Archives,
ccxvii., 332,
333.

Resolved therefore that the said Committee, or the major part of them, with the consent of the agent or agents of the Estate or Estates of the Absentees to whom the said goods originally belonged (where any agents have been appointed and reside within the County of Cumberland), be and hereby are authorized and empowered to make such terms with the said persons, with respect

to the said prosecution as they shall judge equitable; and upon such settlements being made & certified to the said Court of General Sessions of the Peace under the said Committee's hand, the said Court be and hereby are impowred to cause the said prosecution to surcease and be discontinued; and the said Committee in case such composition shall be made, are directed to pay & deliver over whatever they may receive on such composition, to the agent where there is any appointed and where there are none to the Treasurer of this State. [*Passed March 10.*]

CHAPTER 868.

RESOLVE DIRECTING JOHN GODDARD, CONDUCTOR OF STORES, TO TRANSPORT SUPPLIES TO PENNSYLVANIA.

Legislative
Records of the
Council,
xxxviii., 378.
Mass.
Archives,
ccxvii., 331.

WHEREAS Alexander Sheppard, late Conductor of Stores for this State, has been dismiss'd from that service and Mr John Goddard has been appointed to act in that department, and whereas an order passed the Court the 19th Feby last, directing the said Alex^r Sheppard to remove a quantity of Stores from Kenderhook to Penselvania, it is therefore

Resolved that the said John Goddard be & he hereby is ordered & directed to carry into execution the said order of the 19th of Feby last. [*Passed March 10.*]

CHAPTER 869.

INSTRUCTIONS TO THE DELEGATES IN CONGRESS RESPECTING THE ARTICLES OF CONFEDERATION.

Legislative
Records of the
Council,
xxxviii., 376.
Mass.
Archives,
ccxvii., 335,
335a.

THE COMMITTEE of both Houses appointed to prepare Instructions to the Delegates of this State in Congress upon the Articles of Confederation, Beg leave to Report the following Instructions on the Subject matter thereof.

BENJAMIN AUSTIN *pro* order.

Gentlemen,

Mass.
Archives,
ccxvii., 334.

The General Court of the State of Massachusetts Bay having attentively Considered the Articles of Confederation and perpetual Union between the United States of America, recommended to our attention by the Honorable Congress, do approve of them in general as well calculated to secure the Freedom, Sovereignty and Independence of the United States; perhaps no plan could have been proposed better adapted to the circumstances of all: We therefore the Council and House of Representatives of this State, in General Court assembled, do in the name and behalf of the good people of this State, Instruct you their Delegates to subscribe said Articles of Confederation and Perpetual Union, as they were recommended by Congress, unless the following alterations, or such as may be proposed by the other States, can be received and adopted without endangering the Union proposed.

The first thing we desire your attention to, before you ratify and confirm these Articles, is the mode of supplying the Continental Treasury with money to defray the Public Expences pointed out in the eighth Article; in short we conceive the Questions upon this Article to be so difficult of solution without some experience of the effect any method proposed may be attended with, that we apprehend provision ought to be made for varying

the mode from time to time until experience has discovered which will be the most equitable plan, which when discovered & laid before the several States will doubtless be confirmed.

The provision made in the sixth paragraph of the ninth Article, which makes the assent of nine States necessary to exercise the powers with which Congress are vested, does not give all that security to the States in these important matters which we think necessary, and which perhaps was intended by Congress: as the paragraph now stands, it will put it in the power of the five smallest States to give a Negative on the most important and necessary business, and as it is probable that a very small majority of the people of the United States will be contained in the nine smallest States, nay perhaps less than half, it certainly ought not to be in their power to give law in the important matters mentioned in this paragraph; we apprehend it would be better to substitute in the room of nine States, these words — *ten States, or at least the Delegates for two thirds of the People of the United States of America represented in Congress.*

The paragraph which determines the principle on which each State is to furnish its quota of the Army demands your special attention, because it appears to be unequal and consequently injurious; if the numbers to be furnished by each State to the Army are to be rated in proportion to the number of Whites, it will be unequal, because those numbers are so, and will be injurious by operating as a Tax by the bounties necessary to be given, and by an unequal drain of the inhabitants, and consequently a diminution of the many advantages derived from their industry and labour; while other States who have a less number of Whites, tho' perhaps an equal, if not greater number of inhabitants are free from the burthen of the first and the disadvantages arising from the last.

If any improper term or words are now in any Article, or if any sentiment may in your opinion be better expressed, you will propose and agree to have proper alterations made.

You will Consider yourselves also at Liberty to Consent to Amendments proposed by other States or their members, provided that such Amendments are not materially repugnant to the Articles of Confederation, or the Spirit of these Instructions.

In the House of Representatives

Read & accepted.

In Council

Read & Concurred. [*Passed March 11.*¹]

CHAPTER 870.

RESOLVE DETACHING MEN FOR THE DEFENCE OF BOSTON AND TO SERVE AS GUARDS AT CAMBRIDGE.

WHEREAS Major General Heath hath represented to this Court that Five hundred men in addition to those now doing duty in & near the Town of Boston, should be raised for the defence thereof and as Guards to the several Stores in & near said Town:

Resolved that the Council of this State be desired to issue orders to the Brigadier of the County of Plimouth, directing him to detach from the Brigade under his command Two hundred and four men, including non Commissioned Officers & privates, which men he is directed to form into three Companies & appoint one Captain & three Subalterns to each Company, the Companies

Legislative
Records of the
Council,
xxxviii., 378.
Mass.
Archives,
ccxvii., 333-
340a.

Mass.
Archives,
ccxvii., 246,
286, 314, 341,
403.

¹ This date is March 10 according to Legislative Records of the Council.

to consist of Sixty eight men each as near as may be, & forthwith cause the said Companies to march to Gen^l Heath's Head Quarters at Boston under the Command of one Lieutenant Colonel detached from the said Brigade for that purpose: Also to order the Brigadier for the County of Worcester to detach from his Brigade three hundred & twenty non Commissioned officers & privates & form them into Companies as near as may be of sixty eight men each, with one Captain & three Subalterns to each Company, & cause them immediately to march to Gen^l Heath's Head Quarters in Boston under the Command of one Colonel and one Major detached from said Brigade for that purpose, to be formed into one Regiment with those detached from the Brigade in the County of Plymouth.

And whereas the time for which the Guards now doing duty at Cambridge will expire on the 2^d day of April next, therefore it is further

Resolved that the Council of this State be & hereby are requested to issue orders to the Brigadier of the County of Suffolk, to detach from his Brigade one hundred & fifty six non Commissioned officers & privates & form them into Companies as near as may be of sixty eight men each, & appoint one Captain & three Subalterns to each Company, under the Command of One Lieutenant Colonel for that purpose detached from said Brigade, & to march them to Cambridge to relieve the Guards thereon the 2^d day of april next; & to the Brigadier of the County of Essex directing him to detach from his Brigade three hundred & twenty men, formed & marched as aforesaid, under the Command of One Colonel & one Major; & to the Brigadier of the County of Middlesex to detach from his Brigade three hundred & ten men, formed & marched as aforesaid, under the Command of one Colonel & one Major; & to the Brigadier of the County of Barnstable directing him to detach from the Brigade in that County one hundred & thirty two non Commissioned Officers & privates, formed & marched as aforesaid, under the Command of one Major; & to the Brigadier of the County of York directing him to detach from his Brigade one hundred & forty six men, to be formed & marched as aforesaid, under the Command of one Lieutenant Colonel; the said officers & Soldiers to have the same Pay & Subsistence that the Officers & Soldiers now doing duty at Cambridge have & shall continue in the said service till the 2^d day of July next, unless sooner discharged, and it is further

Resolved that if any non Commissioned officer or private soldier drafted as afores^d, shall neglect or refuse to march in consequence thereof or hire a man in his room, or shall not within Twenty four hours after he is so drafted pay a fine of Ten pounds, shall be considered & treated as a Soldier in that detachment, & the Captain or Commanding officer of the Company shall cause others to be drafted in the stead of those who pay their fines, or other men to be hired with said fines; & all monies arising by fines not expended in hiring men for this detachment, shall be in future improved for that purpose to the advantage of each company respectively where they arise.

Resolved That in case the Troops of the Convention should be removed into the internal parts of the State, then the one hundred & thirty two men to be detached from the County of Barnstable shall be relieved by an equal number of men to be detached from the County of Hampshire; and that all the said Brigadiers, in their said detachments, pay due regard to the former services of the several regiments in their respective Brigades. [*Passed March 11.*¹]

¹ This date is March 10 according to Legislative Records of the Council.

CHAPTER 871.

RESOLVE IMPOWERING HANNAH BADCOCK, ADMINISTRATRIX, TO
SELL REAL ESTATE.

ON THE PETITION of Hannah Badcock, widow and administratrix, on the Estate of her late Husband William Badcock of Milton Deceased, praying to sell the Real Estate mentioned in said petition for the reasons therein sett forth.

Resolved that the prayer of said Petition be granted and that the said Hannah Badcock, in her said capacity, be and hereby is impowred to make sale of the Real Estate mentioned in said petition for the most the same will fetch, and to make and Execute a good Deed or Deeds in Law to the Purchaser or Purchasers, she observing the rules in the law for the sale of Real Estates by Executors and Administrators and giving Bond to the Judge of Probate for the County of Suffolk that the Proceeds of said sale be disposed of according to Law. [*Passed March 11.*]

Legislative
Records of the
Council,
xxxviii., 380.
Mass.
Archives,
ccxvii., 342.
Mass.
Archives,
ccxvii., 343,
344.

CHAPTER 872.

RESOLVE ESTABLISHING PAY AND RATIONS OF DETACHMENTS OF
LIGHT HORSE.

WHEREAS it is represented to this Court that there is no Establishment for any Detachm[ent] of Light Horse that has ben detached or recommen[ded] to march to reinforce the Continentall Army, therefore

Resolved that on any detachment or recommendation of the General Court of this State, that any Troop or Light horse that have marcht in consequence of such detachment or recommendation have the same pay and rations that the Light Horse have in the Continental Army, and the Committee on Muster Rolls be and hereby are ordered to make up their rolls accordingly. [*Passed March 11.*]

Legislative
Records of the
Council,
xxxviii., 381.
Mass.
Archives,
ccxvii., 345.

CHAPTER 873.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE AND REPORT
ON APPROPRIATIONS, ACCOUNTS, PUBLIC STORES, ETC.

Resolved that a Committee of three persons be appointed immediately to examine the Journals of the Provincial Congress, of the House of Representatives & of the hon^{ble} Council; to state accounts & make proper charges of all monies ordered to be paid out of the public Treasury & of all articles ordered to be delivered from the Public Stores, or otherwise received, to such person or persons in whose favor s^d orders were given or who received the same, & that s^d Committee provide such books & assistance as they judge necessary & report as soon as may be. [*Passed March 11.*]

Legislative
Records of the
Council,
xxxviii., 382.
Mass.
Archives,
ccxvii., 346.

CHAPTER 874.

RESOLVE IMPOWERING THE PRESIDENT OF THE COUNCIL TO SIGN THE INSTRUCTIONS TO THE DELEGATES IN CONGRESS.

Legislative
Records of the
Council,
xxxviii., 384.
Mass.
Archives,
ccxvii., 347.

Resolved that the President of the Hon^{ble} Council be & he is hereby impowered, in the name & behalf of this Court, to sign the Instructions which this Court have voted to be given the Delegates of this State respecting the Articles of Confederation between the United States; and that the Secretary be & he is hereby directed to furnish each of the Delegates appointed to Represent this State in Congress, as soon as may be, with an attested copy of said Instructions. [*Passed March 11.*]

CHAPTER 875.

RESOLVE IMPOWERING DR. JOSEPH GARDNER TO IMPROVE THE HOSPITAL AT WEST BOSTON.

Legislative
Records of the
Council,
xxxviii., 370.
Mass.
Archives,
ccxvii., 351,
351a.

THE COMMITTEE of both Houses appointed upon the Letter of Col^o Thomas Crafts having considered the same, ask leave to report the following Resolve which is submitted.

MOSES GILL *per* Order

Resolved that Doctor Joseph Gardner be & hereby is impowered to improve the Hospital at West Boston for the sole purpose of Inoculating such of the soldiers in Col^o Thomas Crafts Regiment as may be willing to receive the Small Pox, under the direction of the Selectmen of the Town of Boston, who are hereby directed to put said Hospital under such regulation as has by them been heretofore established, and to continue their vigilance to prevent the spreading of said Distemper, and Col^o Thomas Crafts is hereby directed to afford s^d Selectmen such Guards and other assistance in his power as said Selectmen shall require.

In the House of Representatives

Read and accepted

In Council

Read & Concurred. [*Passed March 12.*¹]

Mass.
Archives,
ccxvii., 352.

CHAPTER 876.

RESOLVE DIRECTING THE TREASURER TO RECEIVE FROM COMMITTEES OF CORRESPONDENCE, ETC., BILLS OF CREDIT ACCEPTED FOR RENT OF ABSENTEES' ESTATES.

Legislative
Records of the
Council,
xxxviii., 386.
Mass.
Archives,
ccxvii., 319,
350.

WHEREAS the several Committees of Correspondence, Inspection & Safety within this State were directed by a Resolve of this Court, passed the thirteenth of February last, to pay forthwith into the Public Treasury all Money remaining in their hands arising from the Rents of Absentees Estates, and whereas part of the Money for such Rents may have been received by said Committees in the Bills of Credit of this State or other of the American States, before the currency of such Bills was by Law prohibited, therefore

Resolved that the Treasurer of this State be & he is hereby directed to receive of said Committees all such Bills of Credit

¹ This date is March 9 according to Legislative Records of the Council.

taken by them as aforesaid, Provided the person offering the same shall produce a certificate of an oath having been taken before some Justice of the Peace by one of the Committee who may send such Bills, that according to the best of his knowledge the same, if of the Bills of this State, were received by said Committee before the first day of December one thousand seven hundred & seventy seven; and if of the Bills of any other State, that they were received before the first day of July in said Year for Rent as aforesaid; and that the Justice express in each certificate the sum of each particuar currency for which the certificate is given. Two Receipts to be given by the Treasurer for each sum of money so paid expressing therein the currency or currencies of which such money consists, one of said Receipts to be lodged in the Secretary's Office. [*Passed March 12.*]

CHAPTER 877.

RESOLVE ON THE PETITION OF SAMUEL WILLIAMS.

ON THE PETITION of Samuel Williams, agent for the owners and crew of the Private armed schooner Dolphin, praying for a new trial upon the Justice of the Capture of y^e Schooner named the Polley, comanded by John Collens, and clamed by Mr Elias Hasket Darby & the aforesaid John Collens.

Resolved that the prayer of said petition be so far granted as that the aforesaid Samuel Williams serve the adverse party or their attorneys with a copy of the aforesaid petition and this order of Court, that they may shew cause, if any they have, on the first Tuesday of the next sitting of the General Court, why the prayer of said Petition should not be granted and that the aforesaid Vessel and Cargo be retained in the hands of the agent untill the further order of this Court. [*Passed March 12.*]

Legislative
Records of the
Council,
xxxviii., 387.
Mass.
Archives,
ccxvii., 451.

Mass.
Archives,
ccxvii., 460.

CHAPTER 878.

RESOLVE FOR RAISING MEN FOR SEA COAST DEFENCE.

WHEREAS the time for which the Guards stationed at the several places on the Sea Coast in this State expires the last day of April next,

Therefore

Resolved that there be raised in the Province of Maine and stationed at Falmouth and Cape Elizebeth Eighty men including officers, Viz., one Captain, two Lieutenants, two Seirgents, two Corporals, four Guners and Sixty nine Matrosses.

And it is further

Resolved that there be raised in the County of Essex and stationed at the fort on Plumb Island, one second Lieutenant, one Seirgent and thirteen Matrosses; and that there be raised and stationed at Gloucester, one Captain, one Lieutenant, one Sargant, one Corporal, four Gunners and fifty three Matrosses; at Beverly one first Lieutenant, one Sargent, one Gunner and twelve Matrosses; at Salem one Lieutenant, one Sargant, one Gunner and Seventeen Matrosses; at Marblehead one Lieutenant, one Sargant, one Gunner and twenty two Matrosses.

Also

Resolved that there be raised in the County of Bristol and

Legislative
Records of the
Council,
xxxviii., 387.
Mass.
Archives,
ccxvii., 354.

stationed at Dartmouth one Captain, one Lieutenant, one Sargant, one Corporal, two Gunners and thirty nine Matrosses.

And that there be raised and Stationed at the Gurnett in the County of Plymouth one Captain, one Lieutenant, two Sargants, one Corporal, two Gunners & forty four Matrosses; and that there be raised & stationed at the fort at Elizabeth Islands one Lieutenant two Sargants, two Corporals, one Gunner twenty nine Matrosses

And it is further

Resolved that there be allowed and paid to Each of the Officers and Private Soldiers, aforesaid for Wages for every Callender month during their continuance in said servis, the following sums respectively, Viz.

To Each Captain	.	.	.	.	.	.	.	.	.	£10.
To Each Lieu ^t	.	.	.	.	.	.	.	.	.	6. 10
To Each Sarg ^t	.	.	.	.	.	.	.	.	.	3. 8
To Each Corporal	.	.	.	.	.	.	.	.	.	3. 4
To Each Gunner	.	.	.	.	.	.	.	.	.	3. 8
To Each Matross	.	.	.	.	.	.	.	.	.	3.

And it is further

Resolved that the Wages of the men who shall be raised and stationed in the several Sea Ports agreeable to this Resolve shall commence Two days before their marching from their respective homes for the post to which they shall be stationed, and shall continue in said servis untill the first day of January Next unless sooner discharged.

And it is further

Resolved that the Council be and hereby are desired to appoint suitable persons to provide for and supply the aforesaid Men at their several Stations with such provisions as are allowed the men stationed at Machias.

And it is further

Resolved that the Colonel or Commanding officers of the Regiments of Militia in which any party of the aforesaid Men shall be stationed agreeable to this Resolve, are hereby impowered and directed to muster the men to be stationed within their Regiments respectively, and to approve of none but such as are of able body and who are provided with a good Effective Fire Arm, Bayonet, Cartridge Box & Canteen or wooden Bottle; and that they give general directions to the Officer who immediately commands such party and see that the men are kept to their duty, and make Quarterly Returns to the Council of their State and Number.

And it is further

Resolved that the Council be impowered & requested to appoint all the officers mentioned in these Resolves. [*Passed March 12.*]

CHAPTER 879.

RESOLVE PERMITTING THE SELECTMEN OF DARTMOUTH TO RE-NUMBER THE INHABITANTS.

Resolved that the Selectmen & Committee of the Town of Dartmouth be admitted to number the Inhabitants of s^d Town again (there being a mistake in the number return'd), & make returns into the Secretarys office as soon as may be of all the Male Inhabitants of 16 Years old & upwards, agreeable to a Resolve of this Court pass'd in the Year 1776, and that the s^d Town in the meantime proceed to compleat their proportion of Continental Soldiers. [*Passed March 12.*]

Legislative
Records of the
Council,
xxxviii., 389.
Mass.
Archives,
ccxvii., 357.

Mass.
Archives,
ccxvii., 358.

CHAPTER 880.

RESOLVE ON THE PETITION OF RACHEL DUNN.

ON THE PETITION of Rachel Dunn of Oakham in the County of Worcester, shewing that her late husband George Dunn, a Soldier in Capt Benjamin Gates's Company in Col. Jonathan Holman's Reg^t, was taken Prisoner at White Plains October 28, 1776, & died at New York January 3^d, 1777, & praying an allowance for his wages & Cloathing &c lost.

Resolved that the Prayer of the Petition be granted & that there be paid out of the Treasury of this State to the said Rachel Dunn or order, Seven Pounds Six Shillings for said Cloathing and other effects lost as aforesaid & Four Pounds ten Shillings in full for his wages from the 28th of October to the third of January before mentioned. [*Passed March 12.*]

Legislative
Records of the
Council,
xxxviii., 389.
Mass.
Archives,
clxxxiii., 421.
Mass.
Archives,
clxxxiii., 420.

CHAPTER 881.

RESOLVE PROVIDING THAT MEN BE DETACHED FROM COL^O CRAFTS' REGIMENT TO WORK IN THE LABORATORY.

WHEREAS it appears to this Court that the men in Col^O Crafts Regim^t of artillery have been ordered on such duty as has of late prevented the work going on in the Labretory, and whereas it is of the utmost Importance that a suficent number of Cartridges &c should be ready in case of alarm: It is therefore

Resolved that the Council be & hereby are requested to order such & so many Men belonging to Col^O Crafts Regim^t afores^d as they may Judge necessary to cary on the works in said Labretory.

And whereas it is represented to this Court that a large number of Cartridges & Camp Kittles, which were ordered by this State for the late Secret Expedition to Rhode Island, have bin lodged in Freetown or other places where they are not now wanted: it is therefore

Resolved that the Board of War be & they are hereby ordered & directed to send for all such Stores & deposit them in such place or places as they shall judge best. [*Passed March 12.*]

Legislative
Records of the
Council,
xxxviii., 390.
Mass.
Archives,
ccxvii., 360.

CHAPTER 882.

RESOLVE ON THE PETITION OF MOSES GILL, ESQ^B.

Resolved that the Committee of Sequestration be & hereby are directed to deliver to the hon^{ble} Moses Gill Esq^r, two Pictures, one of M^{rs} Gill and the other of Nicholas Boylston Esq^r, which belonged to Joseph Green Esq^r, taking his receipt therefor. [*Passed March 12.*]

Legislative
Records of the
Council,
xxxviii., 390.
Mass.
Archives,
ccxvii., 356a.
Mass.
Archives,
ccxvii., 356.

CHAPTER 883.

RESOLVE ON THE PETITION OF DR. JOHN WARREN.

Legislative
Records of the
Council,
xxxviii., 391.
Mass.
Archives,
ccxvii., 361.

UPON THE PETITION of John Warren praying for leave to inoculate for the Small Pox at Sewell's Point.

Resolved that leave be & hereby is given to the s^d Dr Warren to inoculate at Sewells Point such Persons as apply & can be accomodated taking due care by posting Guards & cleansing his Patients to prevent the Infection from spreading. [*Passed March 12.*]

CHAPTER 884.

RESOLVE ALLOWING A BOUNTY TO THE GUARDS IN AND ABOUT BOSTON.

Legislative
Records of the
Council,
xxxviii., 391.
Mass.
Archives,
ccxvii., 362.

WHEREAS the Militia doing duty in and about Boston were not enclued in the Resolve of December 5th, 1777, for granting a bounty of Twenty Shillings pr month with those stationed at Winter & Prospect Hills, therefore

Resolved that the non Commissiond officers & Privats detach^t from the Militia and have ben doing duty under General Heath as Guards in and about Boston, since the first of Dec^r last, be allowed & paid the sum of Twenty Shillings p^r month as a bounty, from the time of their entring upon said service, to the time of their discharge. [*Passed March 12.*]

CHAPTER 885.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH SUPPLIES TO STEPHEN SMITH, TRUCK MASTER, AND FOR RAISING MEN FOR THE DEFENCE OF MACHIAS.

Legislative
Records of the
Council,
xxxviii., 382.
Mass.
Archives,
ccxvii., 393-
397a.

Resolved that the Board of War be and hereby are directed to supply Stephen Smith, Truck Master at Machias, with all such Articles agreeable to the Estimate accompanying this resolve for the Truck House under his Care, for supplying the several Tribes of Indians in that Department; and also to supply from time to time, as they shall think proper, said Stephen Smith, Commissary at Machias, with such Provisions and Ammunition as may be necessary for subsisting and supplying such men as may be raised by this Resolve for the defence of Machias; and to repay those Provisions that have been already borrowed by Col^o Allan for the said service, and also supply said Smith with 400^{lb} Powder and 500^{lb} Ball to furnish the Militia that may at any time be called out for the defence of that part of the State, said Smith to be accountable.

Mass.
Archives,
ccxvii., 398-
401j.

Resolved that the Council be & hereby are requested to appoint a suitable person with the rank of Major, who shall be and hereby is impowered and directed to inlist a number of Men not exceeding one hundred for the defence of Machias, not more than one half of whom to be inhabitants thereof and the parts adjacent, and the Officers and Men to be under the command of Col^o John Allan; to form them into one Company with one Captain, two Lieutenants, one Ensign, four Sergeants, four Corporals, One Drum and One fife, and to continue in service till the first day of

December next unless sooner discharged, and said Major is hereby impowered to appoint all the officers of said Company and the Council is hereby requested to furnish said Major with blank Commissions for that purpose, and to encourage said officers and soldiers to engage and continue in said service, it is further

Resolved that each Officer and Soldier who shall engage as aforesaid shall be intitled to, and receive the same Rations and pay as the Officers and Soldiers in the Continental Army, and each non Commissioned Officer and Soldier who shall enlist as aforesaid, shall upon passing Muster receive a Bounty of Six pounds to be paid him by the Muster Master, and upon his providing himself with a good effective fire Arm, and Bayonet, Cartridge Box, Knapsack, Blanket, and Canteen or Wooden Bottle, shall, in addition to the above encouragement receive Twenty shillings \varnothing month for each Callander month he shall continue in service.

And it is further

Resolved that the Council be requested to appoint Muster Masters to muster the said Company, and to furnish said Muster Masters from the Public Treasury with a sum of Money sufficient to pay the above Bounty.

And it is further

Resolved that Col^o John Allan be impowered and directed to engage in service as many Indians as he shall think proper, not exceeding one hundred, and upon such an Establishment as he thinks their service shall merit, and make return to this Court that such order may be taken thereon as this Court shall think necessary.

Resolved that the Board of War be and are hereby directed to furnish Stephen Smith, Commissary at Machias, with Stores necessary for one hundred Indian Troops and likewise sundry military Stores agreeable to a list accompanying this Resolve.

It is further

Resolved that the Secretary furnish Coll Allen with a sett of the Acts & Resolves of this Court. [*Passed March 13.*¹]

CHAPTER 886.

RESOLVE FOR RAISING MEN TO DO DUTY IN AND ABOUT BOSTON.

Resolved that the Council be & they hereby are desired immediately to issue their orders to the several Brigadiers in the Countys of Suffolk, Essex, Middlesex and Worcester, for the Militia of s^d Counties to hold themselves in rediness to march on the shortest notice compleatly armed & equipped.

And it is also

Resolved that the Council be & hereby are requested immediately to order a detachment to be made from the Towns in the vicinity of Boston of five hundred men, to be put under the command of General Heath, to do duty where he shall judge best for the security of the town of Boston & the Forts in the neighbourhood thereof, & to serve so long as the Council shall think the safety of the State & that town in particular shall require, not exceeding one month after their arrival in camp, said detachment to be furnished with arms & accoutrements & to have the same allowance for their services as the men now doing duty at Cambridge. And it is further

Resolved That the Council be & hereby are desired in con-

Legislative
Records of the
Council,
xxxviii., 385.
Mass.
Archives,
ccxvii., 402.

Mass.
Archives,
ccxvii., 403-
408.

¹ This date is March 11 according to Legislative Records of the Council.

formity to a Resolve of Congress for separating & removing the Troops of the Convention now stationed at Cambridge & elsewhere, immediatly to remove such part of said Troops with their Officers into such Towns in the interiour parts of this State as they may think necessary. And whereas there is great reason to suspect that some considerable part of the troops of the Convention have by some means supplied themselves with fire arms, it is therefore necessary enquiry be made thereinto; it is therefore desired the Council signify to General Heath the necesaty of that matters being immediatly examined, and such measures pursued by him as may secure the safety of this State in that respect. [*Passed March 13.*¹

CHAPTER 887.

Legislative
Records of the
Council,
xxxviii., 393.
Mass.
Archives,
ccxvii., 363.

RESOLVE ADDING DAVID JEFFRIES AND JOHN SCOLLAY, ESQ^{rs}, TO THE COMMITTEE FOR COUNTERSIGNING NOTES.

Resolved that David Jefferies & John Scollay Esq^{rs}, be added to the Committee for Counter Signing the notes lately ordered for the supply of the Board of War, said notes to be signed by any three of said Committee. [*Passed March 13.*

CHAPTER 888.

APPOINTMENT OF FIELD OFFICERS FOR THE 2ND ESSEX COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 393.
Mass.
Archives,
ccxvii., 364.

In the House of Representatives

The House made choice by ballot of the following Gentlemen as Field Officers for the second Regiment of Militia in the County of Essex, viz.

Henry Morrill	:	:	:	:	:	:	:	Colonel
Ralph Cross Jun	:	:	:	:	:	:	:	Lieut. Colonel
Joseph Huse	:	:	:	:	:	:	:	2nd Major

In Council

Read & Concurred. [*Passed March 13.*

CHAPTER 889.

RESOLVE ON THE PETITION OF JAMES NOBLE SHANNON AND JONAS FARNSWORTH.

Legislative
Records of the
Council,
xxxviii., 394.
Mass.
Archives,
ccxvii., 365.

ON THE PETITION of James Noble Shannon and Jonas Farnsworth, praying for liberty to enter and prosecute an appeal from two judgments in the Maritime Court for the Eastern District, given in favor of Ichabod Jones and Daniel Holt, the Claimants to the two Sloops mentioned in said Petition.

Resolved that the prayer of said Petition be granted, and that the said James Noble Shannon and the said Jonas Farnsworth be and they hereby are impowered to enter and prosecute their appeals from the said Maritime Court respectively, at the next Superiour Court for the County of York, and the Judges of the said Superiour Court are authorised and directed to hear, adjudge,

Mass.
Archives,
ccxvii., 366,
369.

¹ This date is March 11, according to Legislative Records of the Council.

and determine upon said appeals respectively, in the same manner, and by the same rules they now are by a Law of this State impowered to do in maritime causes, provided the said Shannon and Farnsworth serve the said Ichabod Jones and Daniel Holt with an attested copy of said Petition and this Order thereon twenty days at least, before the sitting of said Superiour Court. [*Passed March 13.*]

CHAPTER 890.

RESOLVE DIRECTING GEN. HEATH TO REMOVE GUARDS THAT HAVE NOT HAD SMALLPOX TO DORCHESTER.

WHEREAS by a Return from General Heath, there are now upon gaurd in the Town of Boston 142 Officers and privates, that have not had the Small pox, Therefore

Resolved that General Heath be desired immediately to remove to Dorchester so many of the Gaurds, now stationed in the Town of Boston, who have not had the Small pox for such as have had that distemper, who are now on guard in and about the Town of Dorchester, and if the number att that post, that have had the Small pox, are not sufficient to fill up the gaurds in Boston. It is further

Resolved that Col^o Hatch be and he is hereby directed to detach from his Regement so many Officers and Soldiers as may be necessary to supply such deficiency, to be under the Command of General Heath, to continue on gaurd untill the detachments lately made to reinforce the gaurds in the Town of Boston shall arrive att Head Quarters. [*Passed March 13.*]

Legislative
Records of the
Council,
xxxviii., 394.
Mass.
Archives,
ccxvii., 371.

Mass.
Archives,
ccxvii., 370.

CHAPTER 891.

RESOLVE VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS OF THE GENERAL COURT.

WHEREAS it may be of public utility that until the next sitting of the General Court certain powers should be vested in the Council other than those with which they are ordinarily clothed, therefore

Resolved that the Honorable Council until the next sitting of the General Court, be and hereby are fully Authorized and impowered to Nominate and appoint, as occasion may require, such Commissioned Officers in any of the Land forces, Armed Vessels or Vessels of War, in the service and pay of this State and also in the Militia, whose places by death or otherwise are vacant, as to them shall appear necessary and put them under the command of such Officer or Officers as they shall judge proper.

And it is

Resolved that the Council be and hereby are also impowered and Authorized to treat with any Indians that may arrive in this State and make such provision for them as they may judge proper.

And it is

Resolved that the Major part of the Council shall have full power and Authority to examine, allow and pass upon the pay Rolls of the Sea Coast Men and their Commissary's Accounts, and also of the pay Rolls of the Militia who have been in Service, any Act or Resolve to the contrary notwithstanding.

Also

Legislative
Records of the
Council,
xxxviii., 396.
Mass.
Archives,
ccxvii., 372,
373.

Resolved that until the next sitting of the General Court, any Seven of the Council be and hereby are impowered to issue and sign any Warrants, and such Warrants and any other thing transacted by seven of said Council be and hereby is declared to all intents and purposes as valid as if the same had been signed or transacted by Fifteen of said Council.

And it is further

Resolved that in case advice should be received from General Washington during the recess of this Court, that it is necessary he should be furnished from this State with two or three Thousand Men as a reinforcement to his Army, that the Council be and hereby are impowered to draft such a number of Officers and Men from the Militia of this State, not exceeding Three Thousand men, as they shall judge the circumstances of this State will admit of, and for such a term of time, not exceeding four months from the time of their arrival at camp, as they shall think the Public Safety requires; and to offer them such encouragement as they shall think reasonable. And they are hereby further impowered to draw upon the Public Treasury for money sufficient for such purpose and the Treasurer is hereby directed and impowered to pay such Drafts.

Also

Resolved that the Hon^{ble} Council be and they hereby are impowered to convene the Great and General Court or Assembly at any earlier day than that to which it shall next be adjourned or prorogued if they shall judge the Public Service requires it. [*Passed March 13.*]

CHAPTER 892.

RESOLVES REQUIRING DEFICIENT TOWNS TO COMPLEAT THEIR QUOTA OF MEN FOR THE CONTINENTAL ARMY.

Legislative
Records of the
Council, xxxviii., 308.
Mass.
Archives, ccxvii., 375,
376.

WHEREAS it appears to this Court that several Towns in this State have not raised their full proportion of the Continental army, but are exerting themselves to compleat the same; & therefore it is inexpedient at present to order a further Levy for that purpose.

And it being necessary that frequent returns should be made to this Court of such deficiencies in any Town:

Therefore

Resolved That Samuel Niles, Increase Sumner, & William Henry Prentice Esq^{rs}, be a Com^{tee} to sit in the Recess of the Court, whose business it shall be, immediately to call on the Select men & Militia officers of the several deficient Towns in this State, for such returns, so that at the next meeting of the General Court, it may be certainly known what Town is then deficient & how much such deficiency is. And whereas it has been represented to this Court that the same persons, enlisted into the Continental Army, have been returned by more than one Town, and it is necessary that it should be determined to what Town such person or persons of right belong, therefore

Resolved that the Committee aforesaid be and hereby are directed to make out an Alphabetical List of the Names of the men who have already enlisted with the Towns to which they belong and the Towns for which they enlisted; and said Committee are further directed to call upon the Select men & Militia Officers of the several Towns in this State for the proper evidence to justify their several returns, that the Towns which have made returns of

Men they had by law no right to return, may be called upon at the next session of this Court to compleat their Quota. And whereas by the Resolve of the 15th of Aug^t last, the Select Men and Militia Officers were directed to cause the men by them enlisted or draughted to be muster'd by the County Mustermaster, which in many cases has been found inconvenient, therefore

Resolved that either of the Select Men or Militia Officers in any Town where men shall be enlisted or draughted in consequence of the aforesaid Resolve, be and hereby are impow[er]ed to muster such men and pay the Continental Bounty to such as are entitled to it and make out their Account to this Court for payment. And it is further

Resolved that a return of the Men enlisted or draughted for the Continental Army shall as soon as possible be made to Major Gen^l Heath or his successor, whose direction is to be observed with respect to ordering and marching said Men. And the aforesaid Committee are hereby required to prepair a List of the several Men who have enlisted into the Continental Army & have rec^d Bounties from more than one Town in this State & have been return^d by more than one Town, and report the same at the Next sitting of the General Court. [*Passed March 13.*]

CHAPTER 893.

RESOLVE ON THE PETITION OF RICHARD DERBY, JUN^r, & BENJAMIN AUSTIN, ESQ^{rs}.

ON THE MEMORIAL of the Hon^{ble} Richard Derby Jr, & Benj^a Austin Esq^{rs}, late Agents for the Middle District, setting forth that in the course of their Agency they received £19.4.8^d, which proved to be counterfeit, which sum they have paid into the Treasury in Continental Bills.

Legislative
Records of the
Council,
xxxviii., 399.
Mass.
Archives,
ccxvii., 378.

Resolved that there be allowed and paid out of the public Treasury of this State, Nineteen pounds four Shillings & 8^d to the Hon^{ble} Richard Derby Jun^r, & Benj^a Austin Esq^{rs}, in full for counterfeit money they rec'd as Agents for the Middle District. [*Passed March 13.*]

Mass.
Archives,
ccxvii., 379.

CHAPTER 894.

RESOLVE REVIVING A RESOLVE ALLOWING ADDITIONAL BOUNTY TO MEN IN COL. CRAFTS' REGIMENT.

Resolved that the additional Bounty of fifteen pounds granted by a Resolve of this Court the 15th of Dec^r last, to each non commissioned officer & soldier who should inlist in the Regim^t of artillery belonging to this State under the command of s^d Col^o Crafts, which Resolve expired the 1st Ins^t, be revived & continued in force untill the 8th day of May next. [*Passed March 13.*]

Legislative
Records of the
Council,
xxxviii., 399.
Mass.
Archives,
ccxvii., 380.
Mass.
Archives,
ccxvii., 381.

Legislative
Records of the
Council,
xxxviii., 400.
Mass.
Archives,
ccxvii., 382,
383.

CHAPTER 895.

RESOLVE REQUESTING THE COUNCIL TO ISSUE A PROCLAMATION
FOR A FAST DAY.

Mass.
Archives,
clxviii., 226.
Love's Fast and
Thanksgiving
Days of New
England, p. 504.

THE SEASON of the Year approaching in which it has been usual to set apart a Day for public Fasting, Humiliation and Prayer in this State, therefore

Resolved that the Hon^{le} Council be, and they hereby are desired to issue a Proclamation appointing some Day in April next for that purpose. [*Passed March 13.*]

CHAPTER 896.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY CONTINENTAL
OFFICERS WITH SHOES, ETC.

Legislative
Records of the
Council,
xxxviii., 400.
Mass.
Archives,
ccxvii., 384.

Resolved that the Board of War be and they are hereby directed to supply each Captain, subaltern & Staff officer belonging to this State, now in the Continental Army for 3 y^{rs} or during the War, upon their application with two Shirts, one pair of Stockings & one pair of Shoes, of a quality suitable to their rank gratis; & whereas by a Resolve of this date, the supplying y^e Soldiers with Shirts, Shoes & Stockings gratis, is put into the hands of Agents in y^e several Counties, the said Board are hereby directed not to deliver the abovesaid articles according to a Resolve of this Court of y^e 4th of March Ins^t, but to continue their purchases for the Army as ordered by s^d Resolve. [*Passed March 13.*]

CHAPTER 897.

RESOLVE FOR SUPPLYING CONTINENTAL SOLDIERS WITH SHOES,
ETC.

Legislative
Records of the
Council,
xxxviii., 401.
Mass.
Archives,
ccxvii., 385.

WHEREAS the Army are in present & pressing want of Shoes, Stockings & Shirts, which cannot be immediately supply'd from y^e publick Stores; this Court now apply to the generosity & publick spirit of every friend to the Liberties of America for y^e relief of those soldiers who are hazzarding their Lives for their Defence: accordingly it is

Mass.
Archives,
ccxvii., 243.

Resolved that the good people in the several Towns in this State, be and they are hereby requested to collect by voluntary & generous subscriptions within their respective Towns, a Number of Shirts & also a Number of pairs of Shoes & of Stockings, equal to one seventh part of their male Inhabitants as lately returned into y^e Secretarys office; & the Selectmen & Comm^{ees} of y^e several Towns who have not already complied with the spirit of this Resolve are hereby requested without delay to make application to every person in their Towns, whom they suppose are able to contribute any of those articles & to appoint some person or persons to receive the same, & to deliver them at y^e place which shall be determind on by the Agent in their Counties respectively, who are hereinafter appointed to receive y^e same; and in case y^e Selectmen & Comm^{ees} in any Town shall find that s^d articles cannot be procured by contribution or voluntary subscription, the Select men of such Towns are hereby authorized & directed immediately

to draw monies from their respective town treasuries or otherwise to hire monies, & purchase y^e whole of y^e aboves^d articles of clothing & deliver them as afores^d, taking receipts specifying every article. Also

Resolved that Mr Abner Ellis of Dedham be an Agent for y^e County Suffolk; James Barret Esq, of Concord for y^e County of Middlesex; Coll. Israel Hutchinson of Danvers for the County of Essex; Capt David Kingman of Bridgwater for y^e County of Plymouth; Joseph Nye Esq^r, of Harwich for y^e County of Barnstable; Thomas Durfee Esq^r, for y^e County of Bristol; Mr John Wait of Brookfield for y^e County of Worcester; Joseph Simpson Esq, of York for y^e County of York; Maj^r Daniel Illey of Falmouth for the County of Cumberland; James Athern Esq^r, for y^e County of Dukes County; Mr William Scott of Palmer for the County of Hampshire; Stephen Hussey Esq^r, for the County of Nantucket; John Chadwick Esq^r, of Tyringham for y^e County of Berkshire; & Dummer Sewell Esq^r, of Georgetown for the County of Lincoln; whose business it shall be & they are hereby respectively directed to receive s^d Clothing of s^d Selectmen & Comm^{ees}, and to procure waggons or other carriages and transport the same to the Northern & Southern Departments of the Army and deliver them to Hezek^h Smith & Levi Shephard Esq^{rs}, Commissaries of this State, taking receipts specifying every article as afores^d. The Agents for the Counties of Hampshire & Berkshire shall convey the Clothing collected in those Counties to Hezek^h Smith Esq^r in the Northern Department, & y^e Agents for each of the other Counties shall transport y^e Clothing collected in their respective Counties to the Southern Department of y^e Army & deliver y^e same to y^e s^d Levi Shephard; & y^e s^d Smith & Shephard are hereby directed to deliver as a present from y^e people of this State one Shirt, one pair of Shoes & one pair of Stockings, to each non commissioned Officer & private Soldier raised in this State for 3 yr^s or during y^e war as part of our Quota of the Cont^l Army without delay, & take care that proper receipts are taken from each soldier that they have received them; Provided nevertheless that said Commissarys shall not deliver any of the articles of Cloathing aforesaid to such Soldier as may have receiv^d each of the abovemention^d articles from their respective Towns as a gift, and s^d Agents are further directed to procure waggons or other carriages on the best terms they can & to send no more carriages than are necessary, & to employ faithful & industrious men as drivers for the same, & it is further

Resolved that y^e Hon^{le} Concil be & they are hereby request^d to grant a warrant on y^e Treasury in favor of each of y^e s^d Agents or their order for such sums as they judge necessary, not exceeding y^e sum of Five thousand Pounds, to enable the Agents to procure the waggons as afores^d, they to be accountable for the sums they shall severally receive; and it is earnestly recommended to the good people of this State to supply such Shoes & other Clothing as are strong & good; & y^e Selectmen & Agents are directed to return to y^e supplier all such clothing as are not of a good quality, and it is further

Resolved that y^e Agents for y^e several Counties be & they are hereby directed to make monthly returns into the Secretarys Office of the quantities of Clothing received from the several Towns, & in case any Town shall refuse or neglect to supply their Quota as afores^d, the Board of War shall make up such deficiency, & a sum equal to double the amount of y^e costs of such Clothing furnished by the Board of War for any delinquent town shall be annexed to such Town's proportion of the next state tax.

And it is further

Resolved that the Agents of the several Counties aforesaid shall take into the Waggon, Carriages and carry to the several camps such small articles as may be offered to be sent as a present to the Officers or Privates free of Expence.

And as it is determined that each State shall clothe its quota of the Continental Troops which are at present in great want, it is most earnestly recommended to the People of this State of every rank to exert themselves to prepare every kind of Cloathing for the Army and deposit them in suitable places; and proper persons shall be appointed to receive the same and pay a generous price therefor.

And it is further

Resolved that the Secretary be directed to cause these Resolves to be printed in the several Boston News Papers and in the Worcester Paper and likewise in hand bills one of which to be sent to each Town & one to each Agent. [*Passed March 13.*]

CHAPTER 898.

VOTE ON REPORT OF COMMITTEE RELATIVE TO ADJOURNMENT.

Legislative
Records of the
Council,
xxxviii., 403.
Mass.
Archives,
ccxvii., 390a.
Mass.
Archives,
ccxvii., 388-
391.

THE COMMITTEE of both Houses appointed to consider what place is proper for the General Court to be Adjourned to, out of the Town of Boston, take leave to report

That their present opinion is that the Middle Precinct Meeting house in Roxbury is the most Convenient place for that purpose.

A. FULLER *pro* order

In the House of Representatives.

Read & accepted.

In Council

Read & Concurred. [*Passed March 13.*]

CHAPTER 899.

Legislative
Records of the
Council,
xxxviii., 404.
Mass.
Archives,
ccxvii., 392.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION TO SUSPEND THE SALE OF BOOKS.

Resolved that the Committee of Sequestration be & they hereby are directed to suspend the Sale of the Books under their care 'till the further Order of this Court. [*Passed March 13.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FIRST DAY OF APRIL, A.D. 1778.

CHAPTER 900.

RESOLVE ON THE PETITION OF SAMUEL WHITTEMORE.

UPON THE PETITION of Sam^l Whittemore, praying that he may remain in quiet possession of a tract of land in Cambridge for which he bargained with John Borland Esq., late of said Town.

Resolved that the prayer of the petitioner be granted & that he remain in possession of said land until the further order of this Court, he paying a reasonable annual rent therefor to the Committee of Correspondence &c for the Town of Cambridge. [*Passed April 2.*]

Legislative
Records of the
Council,
xxxviii., 409.
Mass.
Archives,
ccxvii., 413.

Mass.
Archives,
ccxvii., 414-415.

CHAPTER 901.

RESOLVE RESPECTING THE MEN THAT ENLISTED TO SERVE AT RHODE ISLAND.

THIS STATE having pledged their faith to furnish for the defence of the State of Rhode Island fifteen hundred men, and whereas in consequence thereof two regiments have been appointed, which contrary to the expectation of this Court have recruited but few men, arising from the determination of a number of Towns in this State that serving in the State of Rhode Island, shall not be considered or reckoned to individuals as having done a tour of duty in the Continental Army; to the intent the said difficulty may be removed and the aforesaid regiments immediately filled up:

Resolved that each person who has or may hereafter enlist into either of the aforesaid regiments shall be considered as having done a tour of duty in the Continental Army for the same length of time he shall serve in either of said regiments, and the several Towns & all Militia officers within this State are hereby ordered to consider the said services as aforesaid, and give credit according to the time they shall so serve, and the Secretary is directed to publish this Resolve in all the Boston Newspapers. [*Passed April 3.*¹]

Legislative
Records of the
Council,
xxxviii., 408.
Mass.
Archives,
ccxvii., 420,
421.

CHAPTER 902.

RESOLVE DISMISSING THE GUARDS IN BOSTON HARBOUR.

THE COMMITTEE appointed to consider the expedience of discharging the troops lately called in to man the works in the harbour of Boston, in consequence of the Transports arriving to

Legislative
Records of the
Council,
xxxviii., 409.

¹ This date is April 2 according to Legislative Records of the Council.

Mass.
Archives,
ccxvii., 416.

take off the Troops of the Convention, have attended that service and beg leave to report by way of Resolve:

Resolved that the militia called in for the above purpose by a Resolve of the Gen^l Court dated Feb^y 24, 1778, be dismissed immediately and that the Council be requested to give their orders accordingly.

In the House of Representatives

Read & Accepted.

In Council

Read & Concurred. [*Passed April 3.*¹]

CHAPTER 903.

RESOLVE ON THE PETITION OF SAMUEL WARREN AND EBENEZER WARREN.

Legislative
Records of the
Council,
xxxviii., 410.
Mass.
Archives,
ccxvii., 417.

ON THE PETITION of Samuel Warren & Ebenezer Warren, Administrators of the estate of Doctor Joseph Warren deceased, praying that an action between John Hooton & David Page, in which the estate of the said Doct^r Warren is solely interested, may be revived for reasons set forth in said Petition.

Mass.
Archives,
ccxvii., 418.

Resolved that the prayer of said Petition be granted and that the said action between the said John Hooton and David Page be and hereby is revived, and the Judges of the Superiour Court are hereby impowered and directed to permit the said action to be re-entered at their next sitting in the County of Worcester, and that the same trial and proceedings be had thereon, as though the same action had been regularly continued; and that the said Administrators or either of them, be and hereby are fully impowered to appear in behalf of the said John Hooton, and prosecute the said action to final judgment and execution, provided they serve the adverse party with an attested copy of said Petition and this Order thereon fourteen days at least before the sitting of said Superiour Court. [*Passed April 3.*]

CHAPTER 904.

RESOLVE FOR SUPPLYING THE BOARD OF WAR WITH MONEY TO PURCHASE CLOTHING.

Legislative
Records of the
Council,
xxxviii., 411.
Mass.
Archives,
ccxvii., 419.

WHEREAS a number of articles of cloathing necessary for the army, lately brought into the Port of Salem by capture, may be purchased by the Board of War, if they can be supplied with a sum of money for that purpose: Therefore

Resolved that the Treasurer of this State be and he hereby is directed to advance & pay unto the Board of War for the purpose abovementioned, such sums of money as they may need, and as he may be able to advance consistent with the other demands upon the Treasury, not to exceed in the whole the sum of Fifteen Thousand pounds, and that the sums which may be so paid be deducted from & considered as part of the sum of Seventy five Thousand pounds late ordered to be supplied the Board of War by loan, agreeable to an Act passed the last session for that purpose. [*Passed April 3.*]

¹ This date is April 2 according to Legislative Records of the Council.

CHAPTER 905.

RESOLVE FOR QUARTERING BRITISH OFFICERS IN RUTLAND.

WHEREAS it is of the utmost importance that the Troops of the Convention of Saratoga should be moved into the interior parts of the State, agreeable to a late Resolve of Congress, and whereas the General Court desired the Council to remove such & so many of said Troops as they should think proper to the interior parts of this State; and whereas a part of said Troops have been ordered by y^e Council to Rutland, and there being no rooms to be procured in Rutland aforesaid suitable for quartering the officers of the Convention in: Therefore

Legislative
Records of the
Council,
xxxviii., 411.
Mass.
Archives,
ccxvii., 422.

Resolved that the Committee of Correspondence &c in the Town of Rutland be, and hereby are directed to deliver to Major General Heath, or his order, the possession of the dwelling house lately owned & occupied by John Murray Esq^r, in Rutland aforesaid, now an Absentee, for the purpose of quartering such of the officers of the Convention as he shall think proper to send there, in consequence of the Resolve of the Hon^{ble} Congress & the Resolve of the General Court of this State. [*Passed April 4.*]

CHAPTER 906.

RESOLVE ON THE PETITION OF THE SELECTMEN AND COMMITTEE OF CORRESPONDENCE OF EASTON.

ON THE PETITION of the Selectmen and Committee of the Town of Easton, praying that some person or persons should be appointed to determine a dispute between Cap^t Randell and Cap^t Keith, with regard to their right to three or four Continental soldiers returned by Cap^t Keith. Therefore

Legislative
Records of the
Council,
xxxviii., 412.
Mass.
Archives,
ccxvii., 423.

Resolved that Brigadier George Godfrey Esq^r, be appointed to hear and determine said dispute. [*Passed April 4.*]

Mass.
Archives,
ccxvii., 424;
ccxviii., 32.

CHAPTER 907.

RESOLVE ON THE PETITION OF COMMITTEES OF CERTAIN PLANTATIONS AT THE EASTWARD.

ON THE PETITION of the Committees of the Plantations and Places called Mispesky, Pleasant River, Narraguagus and Number Four, in behalf of themselves and constituents, setting forth their distressed circumstances for want of Bread, Corn, Ammunition &c, and praying for relief.

Legislative
Records of the
Council,
xxxviii., 413.
Mass.
Archives,
ccxvii., 425.

Resolved that the Treasurer of this State be and he is hereby directed to pay out of the publick Treasury One hundred pounds to Cap^t Joseph Willson, for the purpose of purchasing Corn or other Bread-kind, for the use of the inhabitants of the above-named places, and to be distributed to them according to their necessities at the discretion of the Committees of said Plantations; and said Treasurer is further directed to take said Willson's note in behalf of himself and constituents for said sum payable in six months. And it is further

Mass.
Archives,
clxxxiv., 76-78.

Resolved that the Board of War be and they are hereby directed

to deliver to Cap^t Joseph Willson or order, one hundred and fifty pounds of Powder and four hundred and fifty pounds of Lead, for the use and defence of the inhabitants of said Plantations, to be distributed to them at the discretion of the Committees, and take his note in behalf of himself and constituents for the amount of the same, payable to the Treasurer of this State in six months. [*Passed April 4.*]

CHAPTER 908.

ORDER DIRECTING COMMITTEE TO BRING IN A RESOLVE FOR RAISING MEN TO SERVE AT NEW YORK AND RHODE ISLAND.

Mass.
Archives,
ccxvii., 426.

THE COM^{TEE} of both Houses on the Letter from Gov^r Trumbull dated March 16th, and the Letter from Governor Cook of March 21st, and the Resolves of Congress accompanying the same, Beg leave to report as their opinion:

That it is necessary for the safety of this & the United States that there be raised in this State immediately thirteen hundred men for the purpose of fortifying & defending Hudson River; and that there be 200 men raised in addition to the two regiments already ordered to be raised for the defence of Rhode-Island and added to the s^d regiments now raising for that purpose.

JOHN WHETCOMB p: order

In the House of Representatives

Read & Ordered That this Report be committed to a Committee appointed to sit in y^e last recess of y^e Generall Court to bring in a Resolve for the purpose therein mentioned.

In Council

Read & Concurred. [*Passed April 4.*]

CHAPTER 909.

RESOLVE RESPECTING ESTATES BELONGING TO INHABITANTS OF GREAT BRITAIN.

Legislative
Records of the
Council,
xxviii., 395.
Mass.
Archives,
ccxvii., 430-432.

WHEREAS it appears to this Court that there are within this State several farms and other real estate belonging to persons, inhabitants of Britain; and there being no person or persons legally authorized to take proper care thereof, said estates are exposed to great loss and dammage, both to the proper owners & to the public; and that in several instances very flagrant trespasses have been committed on s^d estates; for remedy whereof it is

Resolved that the Selectmen of each Town within this State where any of the estates above described lay, be and they hereby are fully impowered & directed (in their said capacity) in their respective Towns, immediately to take such estates into their possession till further order of this Court, and improve the same in the best way and manner they can, by leasing out the same for a term, not exceeding one year, for the most the same will fetch, & see that no strip and waste be made thereon; and the said Selectmen, or the major part of them, in their respective Towns, are hereby authorized & fully impowered & directed to receive, sue for & recover, in any law Court proper to try the same, all rents due or shall be due for the improvement of said estates laying within their respective Towns; and also in like manner sue for & recover all dammages done by trespass (that is not outlawed) or that shall be done by any person or persons whatsoever,

& pursue the same to final judgement and execution according to the laws of this State. And the said Selectmen, shall keep and render fair accounts to the General Court of their proceedings and doings in the premises at least once every year, and shall be allowed out of the moneys by them received reasonable allowance for their trouble and expence. And the remainder of such moneys they are to pay in unto the Treasurer of this State, taking duplicate receipts therefor, one to be lodged in the Secretary's Office, and the Secretary is hereby directed to keep a separate account of all moneys paid in as aforesaid.

And whereas it may happen that some person or persons have taken or may take possession of some of the estates abovesaid without any legal authority therefor, and such person or persons may refuse to deliver up or resign such possession to the Selectmen as above directed: For remedy whereof

Resolved that in all such cases the said Selectmen or such person as they shall appoint shall be and they hereby are fully empowered and directed to bring an action of ejectment in any Court proper to try the same, and dispossess any & all such persons in and by any legal way or method, as fully & effectually to all intents & purposes, as the rightfull proprietor of such estates could do if personally present and prosecuted the same. [*Passed April 6.*¹

CHAPTER 910.

RESOLVE DISMISSING REV. D^R GORDON, CHAPLAIN OF THE GENERAL COURT.

WHEREAS the Rev^d Doct^r Gordon, (Chaplain to both Houses), by a publication under his signature in the Independent Chronicle of the 2^d Ins^t has grossly reflected upon the General Court as having acted a legerdemain part in assembling the late Convention for forming a Constitution of Civil Government, & misrepresented their conduct in that important business: Therefore

Resolved that he be immediately dismissed from the service as Chaplain to both Houses of Assembly & that the Secretary serve him with a copy of this Resolve. [*Passed April 6.*²

Legislative
Records of the
Council,
xxxviii., 413.
Mass,
Archives,
ccxvii., 429.

CHAPTER 911.

RESOLVE IMPOWERING TIMOTHY BROAD, ADMINISTRATOR, TO SELL REAL ESTATE.

ON THE PETITION of Levi Colburn and others, praying that Timothy Broad, Administrator on the estate of Joseph Colburn, late of Needham deceased, may be empowered to make sale of the real estate of the said Joseph Colburn, it is

Resolved that the s^d Timothy Broad be, and he hereby is empowered to make sale of the real estate of the s^d Joseph Colburn for the most it will fetch, and to make and execute a good deed or deeds of the same, he observing the rules in the law relating to the sale of Real Estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Suffolk, that the proceeds of said sale be applied and disposed according to law. [*Passed April 6.*

Legislative
Records of the
Council,
xxviii., 414.
Mass,
Archives,
ccxvii., 439.
Mass,
Archives,
ccxvii., 440,
441.

¹ This date is March 13 according to Legislative Records of the Council.

² This date is April 4 according to Legislative Records of the Council.

CHAPTER 912.

RESOLVE ON THE PETITION OF SAMUEL WATERHOUSE.

Legislative
Records of the
Council,
xxxviii., 414.
Mass.
Archives,
ccxvii., 437.
Mass.
Archives,
cxliii., 253;
ccxvii., 438.

ON THE PETITION of Sam^l Waterhouse, now commanding a company of militia doing duty at Winter Hill, praying for a number of Fire Arms for the use of his company.

Resolved that the Board of War be & they hereby are ordered & directed to deliver the said Sam^l Waterhouse a number of Fire Arms, not exceeding forty, he the said Waterhouse giving his obligation to return the said arms in good order to the said Board of War or their order, on or before the third day of July next, except such & so many of said arms as the men for whose use they are wanted shall chuse to purchase, which the Board of War are hereby impowered to sell at such price as they shall judge reasonable; and the Captain is hereby directed to make such stoppages on his Muster Roll from those men who keep any of said guns, as the price of s^d guns is set at by s^d Board of War, and the sum of three shillings for those which may be returned for the use thereof. [*Passed April 6.*]

CHAPTER 913.

RESOLVE DIRECTING COMMITTEE OF CORRESPONDENCE OF CAMBRIDGE TO PROVIDE QUARTERS FOR MAJ. GEN. PHILLIPS.

Legislative
Records of the
Council,
xxxviii., 415.
Mass.
Archives,
ccxvii., 436.
Mass.
Archives,
ccix., 97, 100.

ON THE LETTER of Major General Heath & the letter of Major Gen^l Phillips

Resolved that the Committee of Correspondence, Inspection and Safety of the Town of Cambridge in the County of Middlesex, be and they hereby are directed to deliver to Major General Heath or his order, the possession of the dwelling house lately occupied by Lieut-General Burgoyne in Cambridge aforesaid, for the purpose of quartering Major General Phillips. [*Passed April 6.*]

CHAPTER 914.

RESOLVE DIRECTING SELECTMEN TO SUPPLY SHOES, ETC., TO SOLDIERS ON FURLOUGH.

Legislative
Records of the
Council,
xxxviii., 415.
Mass.
Archives,
ccxvii., 434.

WHEREAS it having been represented to this Court, that a number of the Continental soldiers inlisted for three years or during the war, are at home on furloughs, & in present want of clothing to enable them to march to their respective companies. Therefore

Resolved that the Selectmen of the several Towns in this State, where any such of the s^d soldiers are, be & they are hereby directed to deliver to such soldier upon application therefor, one pair of shoes, one pair of stockings & one shirt, collected in such Town pursuant to a Resolve of Court of the 13th of March last, taking a receipt of the clothing so delivered, to be delivered to the Agent of the County to which such Selectmen belongs, to be by him transmitted to the Commissary of Clothing. [*Passed April 6.*]

CHAPTER 915.

RESOLVE IMPOWERING THE BOARD OF WAR TO SELL A QUANTITY OF LEMONS AT PUBLIC VENDUE.

WHEREAS it has been represented to this Court by the Board of War of this State, that they have under there care a cargo of Lemmons, the property of the State of Virginia, which are now in a perishing condition.

Resolved that the Board of War be & are hereby impowered to sell the aforementioned Lemmons at Publick Vendue, any Act or Resolve of this Court to the contrary notwithstanding. [*Passed April 6.*]

Legislative
Records of the
Council,
xxxviii., 416.
Mass.
Archives,
ccxvii., 435.

CHAPTER 916.

RESOLVE DIRECTING THE SELECTMEN OF ROXBURY TO ERECT A SMOKE HOUSE FOR INFECTED PERSONS.

Resolved that the Selectmen of Roxbury be, and they hereby are impowered & directed to employ two discreet persons at or near the lines in Roxbury, to cleanse all persons passing from the Town of Boston, who may be thought to be infected with the Small Pox, by causing them to be Smoaked in a Smoak-house to be erected for that purpose, not exceeding three weeks from this time and to lay their account of the expence before this Court for allowance. [*Passed April 6.*]

Legislative
Records of the
Council,
xxxviii., 416.
Mass.
Archives,
ccxvii., 433.

CHAPTER 917.

RESOLVE PROVIDING THAT TEMPORARY BARRACKS BE ERECTED IN RUTLAND FOR THE BRITISH TROOPS.

Resolved that the Council of this State be and they hereby are desired as soon as may be, to cause temporary Barracks for the reception of the British Troops to be built within the Pickets in Rutland, if the situation will admit of the same; if not, then to cause said Barracks to be erected as near the Pickets as possible, and as soon as said Barracks are prepared to cause the British Troops or any part of them to be removed thereto. [*Passed April 6.*]

Legislative
Records of the
Council,
xxxviii., 417.
Mass.
Archives,
ccxvii., 428.

CHAPTER 918.

RESOLVE ON THE PETITION OF THE ASSESSORS OF SHIRLEY.

ON THE PETITION of John Ivory, John Longley and John Peirce, Assessors of the Town of Shirley in the County of Middlesex for the year 1777, praying that they may be impowered to withdraw the State Tax made by them for the said Town for said year, which was delivered to Stephen Holden, Constable for the same year for said Town, that they may rectify a mistake in said Tax.

Resolved that Stephen Holden, Constable in the Town of Shirley for the year 1777, be and he hereby is directed to deliver to John Ivory, John Longley & John Peirce, Assessors in said town for said year, the State Tax for said Town for the year aforesaid in his hand, and the said Assessors are hereby impowered to rectify

Legislative
Records of the
Council,
xxxviii., 418.
Mass.
Archives,
ccxvii., 443,
444.

Mass.
Archives,
ccxvii., 445;
ccxix, 18.

a mistake that is in the said Tax, notwithstanding there may have been a new choice of Assessors in the Town aforesaid since the delivery of the said Tax to the said Holden; and to return the Tax aforesaid to the aforesaid Holden after the mistake aforesaid is rectified. And the said Holden is also directed to receive the same, & compleat the collection of said Tax, and pay the same into the Treasury of this State agreeable to the directions in his warrant for collecting said tax. [*Passed April 7.*]

CHAPTER 919.

RESOLVE PROVIDING FOR THE ERECTION OF SMOKE-HOUSES IN BOSTON, ROXBURY AND CHARLESTOWN.

Legislative
Records of the
Council,
xxxviii., 418.
Mass.
Archives,
ccxvii., 447.

WHEREAS the safety of the public requires further provision than is made in the Resolve of the sixth instant, to prevent the infection of the Small Pox from the Town of Boston being communicated by persons who may come from said Town: Therefore

Resolved that Smoak-Houses be erected at the entrance of the Town of Roxbury, & also at Winnissimet Ferry and at Charlestown Neck, and the Selectmen of the Towns of Roxbury, Boston and Charlestown, are impowered & directed to cause said Smoak-Houses to be forthwith erected & proper persons to attend the same, and to smook all persons who shall pass from the said Towns of Boston & Charlestown, and also all papers they may have to prefer to the General Court, and also the money they may bring from said Town, and lay their accounts before this Court for allowance. And it is

Ordered that this Resolve be printed in the Boston News Papers. [*Passed April 7.*]

CHAPTER 920.

RESOLVE IMPOWERING THE SELECTMEN AND OVERSEERS OF THE POOR OF BRIDGEWATER TO SELL CERTAIN REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 420.
Mass.
Archives,
ccxvii., 449.
Mass.
Archives,
ccxvii., 450.

ON THE PETITION of the Select Men & Overseers of the Poor of the Town of Bridgewater, setting forth that Ezra Hayward of Bridgewater hath been reputed non-compos-mentis, and that the said Ezra and his wife and three small children are now under the care of the Select Men and Overseers of the Poor of the s^d Town, and that the said Ezra is possessed of a dwelling house and seven acres of land, his personal estate being all spent and considerable debts already contracted for the support of s^d Ezra and family; they therefore praying for liberty to make sale of the real estate aforesaid: it is

Resolved that the Select Men and Overseers of the Poor of the Town of Bridgewater, in their said capacity, be and they hereby are impowered to make sale of the real estate afores^d for the most it will fetch, and to make and execute a good and lawfull deed or deeds of the same; and that the proceeds arising by s^d sale be applied by the Select Men and Overseers of the Poor for the Town of Bridgewater for the payment of the debts aforesaid and for the further support of the said Ezra and family; they being accountable to the Town of Bridgewater for the expenditure of the same, or if any should remain after the said Ezra's decease, to be divided amongst the heirs according to law. [*Passed April 8.*]

CHAPTER 921.

RESOLVE ON THE PETITION OF MARY DRAKE.

ON THE PETITION of Mary Drake of Bridgewater, praying that the wages of her late husband, Richard Drake, from the sixteenth day of September, Seventeen hundred and seventy six, to the eighteenth day of February then next ensuing, may be allowed and also for his gun and pack, which he lost when he was taken.

Resolved that there be allowed and paid to the said Mary Drake out of the Public Treasury of this State, the sum of Ten pounds, one shilling and four pence as wages now due; and a further sum of Three pounds, eighteen shillings for said Richard's gun and accoutrements, and also the sum of Three pounds for his blanket and pack taken from him by the enemy, she receipting for the same. [*Passed April 8.*]

Legislative
Records of the
Council,
xxxviii., 420.

CHAPTER 922.

RESOLVE GIVING DAY TO MATTERS NOT DETERMINED IN THE LAST SESSION.

Resolved that all matters that were before this Court previous to the Prorogation thereof and not determined upon, have day in the present Session, the Prorogation notwithstanding. [*Passed April 8.*]

Legislative
Records of the
Council,
xxxviii., 421.
Mass.
Archives,
ccxvii., 448.

CHAPTER 923.

RESOLVE ON THE PETITION OF CAPT. JOHN ENGLISH.

ON THE PETITION of John English, praying that the Schooner called the May Flower, with her cargo, the property of the petitioner, which was taken from him att S^t John's by Agreen Crabtree on the 25th day of October last, may be restored to him. And also that he may be protected from any privateer or armed vessel in removing his family and effects into this State. Therefore

Resolved that the said John English be and he hereby is empowered to bring his action against the said Agreen Crabtree in any Court in this State proper to try the same, for the recovery of his Schooner & cargo, the said English being an inhabitant of the Province of Nova Scotia nevertheless, and be it further

Resolved that the Honorable Council be desired to grant the petitioner, a protection from any privateer or armed vessel to prevent his being molested in removing his family and effects into this State. [*Passed April 8.*]

Legislative
Records of the
Council,
xxxviii., 421.
Mass.
Archives,
ccxvii., 463.

Mass.
Archives,
ccxvii., 464, 465.

CHAPTER 924.

RESOLVE ON THE PETITION OF SAMUEL WILLIAMS, AGENT FOR OWNERS OF THE SCHOONER DOLPHIN.

THE COMMITTEE of both Houses appointed to consider the Petition of Samuel Williams, Agent for the owners and crew of the private armed Schooner Dolphin, praying for a new trial, have

Legislative
Records of the
Council,
xxxviii., 422.

Mass.
Archives,
ccxvii., 452.

Mass.
Archives,
ccxvii., 453-
459.

attended that service & heard the parties, & take leave to report that the Committee are unanimously of opinion that the prayer of the Petition ought not to be granted, & that the petitioner have leave to withdraw his Petition, and that the Order of this Court of the 12th of March last, for retaining in the Agent's hands the vessell & cargo referred to in the Petition aforesaid be revoked.

All which is Submitted

THOMAS CUSHING *p^r* order

In Council

Read & Accepted and thereupon

Resolved that the Petitioner have leave to withdraw his Petition and that the Order of this Court of the 12th of March last for retaining in the hands of the Agent the vessel and cargo referred to in the Petition, be and hereby is revoked and made null & void.

In the House of Representatives

Read & Concurred. [*Passed April 8.*¹]

CHAPTER 925.

RESOLVE ON THE PETITION OF JOHN M'GRAY.

Legislative
Records of the
Council,
xxxviii., 422.
Mass.
Archives,
ccxvii., 466.

ON THE PETITION of John M'Gray, an inhabitant of Yarmouth in Nova Scotia, now in this State, taken & captivated by the crew of the Schooner Terrible of Marblehead, Cap^t John Conwey, commander, praying for liberty to return to Nova Scotia with his effects &c. It appearing to this Court that the said [M'Gray]² has approved himself friendly to the United States of America by relieving many of our prisoners when captivated by their unnatural enemies: Therefore be it

Resolved that the prayer of the s^d Petition be so far granted as that the abovesaid McGray have leave to return to Nova Scotia with his effects, as soon as may be, & it is hereby recommended to the [owners]¹ and captors of the aforesaid Schooner to deliver [to]¹ the said M'Gray all his own private venture; and the commanders of all armed vessels and others belonging to this State, are hereby directed to suffer said M'Gray to pass with his effects for the purpose abovementioned unmolested, and it is hereby recommended to the commanders of all vessels belonging to the United States or any of them to let said M'Gray pass for the purpose above expressed without hindrance. [*Passed April 8.*]

CHAPTER 926.

RESOLVE ON THE PETITION OF THE SELECTMEN OF WESTON RESPECTING JUDITH PIPPEN.

Legislative
Records of the
Council,
xxxviii., 423.
Mass.
Archives,
ccxvii., 472, 473.

WHEREAS Judith Phippen, the wife of Lieut Phippen (a Canadian) now in the Continental service, with her five children, were sent by Col^o James Wesson last July from Albany to this State, in which they have hitherto resided and are now in the Town of Weston in the County of Middlesex; and she being desirous to return again to Albany with her children:

Resolved that the Selectmen of the Town of Weston aforesaid be & they are hereby desired to procure a convenient carriage, sufficient to convey the said Judith Phippen & her children & what

Mass.
Archives,
ccxvii., 474-
477.

¹ This date is according to Legislative Records of the Council.

² Inserted from Legislative Records of the Council.

baggage they may have to Albany. And whereas the said Selectmen of the Town of Weston have represented to this Court that the said Judith Phippen stands in great need of severall articles of cloathing for herself & children, they are hereby desired to procure such necessary cloathing as they actually stand in need of for their comfort, and the said Selectmen are directed to lay their account before this Court for allowance & payment. [*Passed April 9.*]

CHAPTER 927.

RESOLVE ON THE PETITION OF JONATHAN LOWDER, TRUCKMASTER.

ON THE PETITION of Jonathan Lowder, Truck Master to the Penobscot tribe of Indians, praying for goods to supply said Indians with.

Legislative
Records of the
Council,
xxxviii., 424.
Mass.
Archives,
ccxvii., 471.

Mass.
Archives,
cxliii., 253.

Resolved that the Board of War be directed to supply Jonathan Lowder with the following articles for the supply of the Penobscot Indians, if they have them to spare, Viz. one bale of Blankets, one piece of Blue Shroud, three pieces of Calico, one piece of Linnen, one piece of Oznabrigs, one hundred lb of Powder, two hundred lb of Lead, one hundred lb of Shot, two barrels of N. E. Rum, one hogs head of Molasses, one barrel of Pork, ten bushels of Beans or Peas, Knives, Scissors, Needles and Combs, a small quantity of each. And it is further

Resolved the said Lowder be directed to trade with the Indians, agreeable to the regulations made by John Allen Esq, with the Indians, and to remit all the furs and skins he shall receive of the Indians to the Board of War and be accountable to the General Court for the doings. [*Passed April 9.*]

CHAPTER 928.

RESOLVE AUTHORIZING JOSEPH ALLEN TO LEASE PROPERTY OF CERTAIN ABSENTEES.

ON A PETITION of Joseph Allen, Agent to the estates of John Chandler and James Putnam Esquires, late of Worcester, Absentees, praying the directions of Court with respect to leasing said estates.

Legislative
Records of the
Council,
xxxviii., 424.
Mass.
Archives,
ccxvii., 467,
468.

Mass.
Archives,
ccxvii., 469,
470.

Resolved that the petitioner Joseph Allen, in his capacity as Agent &c, be & hereby is directed to lease the farms & buildings referred to in his Petition, for & during the term of one year from the first of April instant, at such a rent as the Selectmen of the Town of Worcester shall determine to be just & reasonable, he giving preference to those who occupy said farms & buildings. [*Passed April 9.*]

CHAPTER 929.

RESOLVE ON THE PETITION OF JOSIAH KING.

Resolved that the prayer of said Petition be so far granted as that the said Josiah King serve the said James Cargill, with an attested copy of the within Petition and this Order thereon, fourteen days before the second Wednesday of the next sitting of the

Legislative
Records of the
Council,
xxxviii., 425.
Mass.
Archives,
clxxiv., 89.
Mass.
Archives,
clxxiv., 88.

General Court, that he may shew cause to this Court (if any he have) on the said second Wednesday, why the prayer of said Petition should not be granted. [*Passed April 9.*]

CHAPTER 930.

RESOLVE AUTHORIZING TOWNS TO ERECT INOCULATING HOSPITALS.

Mass.
Archives,
cxxxvii., 222.

WHEREAS by a Resolve of this Court in June 1777, Inoculation was prohibited in several Towns in the Counties of Suffolk and Middlesex, for the reasons sett forth in said Resolve; the Small-pox taken in the natural way being now in some of said Towns and there is great danger of its spreading among the inhabitants: Therefore

Resolved that any Town in this State, first obtaining a major vote for that purpose, have free liberty to erect an Hospital or Hospitals for the purpose of Inoculation in such place or places as shall least expose the inhabitants, said Hospitals to be under the care of the Selectmen of the Town where they are erected, & be under such rules and regulations the said Selectmen shall direct any time between the date hereof and the first day of June next, anything in a late law respecting Inoculation, or the Resolve above referred to, to the contrary notwithstanding. [*Passed April 10.*]

CHAPTER 931.

RESOLVE IMPOWERING ASA BARNES, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 426.
Mass.
Archives,
ccxviii., 1.

Mass.
Archives,
ccxviii., 2, 3.

ON THE PETITION of Asa Barnes, Administrator on the estate of Jesse Gilbert, late of Granby in the County of Hampshire, deceased, praying that he may be impowered to make sale of the whole of the said deceased's real estate, it is

Resolved that the said Asa Barnes be, and he hereby is authorised to make sale of the aforementioned estate for the most the same will fetch, and to make and execute a good deed or deeds of the same; he observing the rules of the law for the sale of real estate by Executors and Administrators, and giving bond to the Judge of Probate for the County of Hampshire, that the proceeds of said sale be disposed of according to law. [*Passed April 10.*]

CHAPTER 932.

RESOLVE IMPOWERING SETH KINGSBURY, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 426.
Mass.
Archives,
ccxvii., 479.

Mass.
Archives,
ccxvii., 480.

ON THE PETITION of Seth Kingsbury of Walpole, in the County of Suffolk and State aforesaid, Administrator on the estate of Moses Chamberlain, late of Walpole aforesaid, deceased, praying that he may be impowered to sell the real estate of the aforesaid Moses Chamberlain.

Resolved that the prayer of the said Petition be granted, and that the said Seth Kingsbury, in his said capacity, be and he hereby is fully impowered to make sale of all the real estate of the aforesaid Moses Chamberlain for the most it will fetch, and to

make and execute a good deed or deeds of the same; he observing the rules in the law relating to the sale of real estate by Executors and Administrators, and giving bond to the Judge of Probate for the County of Suffolk, that the proceeds of said sale be applied and disposed of according to law. [*Passed April 10.*]

CHAPTER 933.

RESOLVE FOR SUPPLYING THE COUNCIL WITH MONEY TO ERECT BARRACKS AT RUTLAND.

WHEREAS the Hon^{bl} Council of this State by a Resolve of this Court of y^e 6th instant, were desired to erect temporary Barracks at Rutland for the reception of the Troops of the Convention, late under Gen^l Burgoyne, and whereas no provision was made in said Resolve to enable the Council to draw money to accomplish said business:

It is therefore

Resolved that they be & hereby are impowered to draw their warrants on the Treasurer of this State for a sum not exceeding Two Thousand pounds to enable them to erect said Barracks without delay. [*Passed April 10.*]

Legislative
Records of the
Council,
xxxviii., 427.
Mass.
Archives,
cexvii., 478.

CHAPTER 934.

RESOLVE ON THE PETITION OF STEPHEN CROSS AND OTHERS.

ON THE PETITION of Stephen Cross and others, respecting the establishment of an Inoculating Hospital at Newbury.

Resolved that Moses Frazier, Samuel Tufts, Jonathan Marsh, Ebenezer March, John Pearson Jun^r, Joseph Stanwood and Paul Lunt, appointed by the last Court of the General Sessions of the Peace, holden for the County of Essex, as directors of an Inoculating Hospital, then allowed by said Court of Sessions to be erected and established on Kent's Island in the Town of Newbury, are hereby permitted to continue said Hospital; they to be directors till the further order of the General Court. And as the inhabitants of the Town of Newbury-Port join in the expence of erecting and furnishing said Hospital: Further

Resolved that no preference be given to the inhabitants of the Town of Newbury, but that the inhabitants of the Town of Newbury-Port have equal right to admission into said Hospital with the inhabitants of the Town of Newbury. Further

Resolved that the directors aforesaid have all the powers and authority during the continuance of said Hospital, which were granted them by the Court of Sessions aforesaid. And further

Resolved that any and all agreements made by said directors with the major part of the proprietors of said Hospital, respecting the physician's fees and the money to be paid by each patient; also the articles to be provided by each patient and by said directors; and respecting the expences of erecting and continuing said Hospital and all other expences touching the same; and the guards and attendants belonging thereto; and also the appropriation of the profits thereof; be valid in law and binding as well on said directors as on said proprietors. [*Passed April 11.*]

Legislative
Records of the
Council,
xxxviii., 428.

CHAPTER 935.

RESOLVE FOR FINDING PERSONS WHO REFUSE TO BE SMOAKED.

Legislative
Records of the
Council,
xxxviii., 430.
Mass.
Archives,
ccxviii., 7.

WHEREAS the Resolves of this Court that have already passed, have been found insufficient to oblige people passing out of the Town of Boston or Charlestown with their effects, to be smoaked in the Smoak Houses erected for that purpose, and it being absolutely necessary in order to prevent the spreading of the Small Pox that the same should be complied with: Therefore

Resolved that any person coming out of the said Towns, who shall refuse to be smoaked as before directed, together with his or her effects, shall forfeit and pay a penalty of Forty shillings, to be recovered on the complaint of any person upon oath before any Justice of the Peace in the County where the offence is committed; one half of said fine to be to the use of the prosecutor and the other half to the use of the Town where the offence may be committed. [*Passed April 11.*]

CHAPTER 936.

RESOLVE PROHIBITING INOCULATION IN CERTAIN TOWNS REPEALED.

Legislative
Records of the
Council,
xxxviii., 430.
Mass.
Archives,
ccxviii., 6.

WHEREAS by a Resolve of this Court passed in June, 1777, inoculation was prohibited in several Towns in the Counties of Suffolk and Middlesex for the reasons set forth in said Resolve, which reasons do not now subsist: Therefore

Resolved that the aforesaid Resolve be repealed and that every part & paragraph thereof be and hereby is declared null and void. [*Passed April 11.*]

CHAPTER 937.

RESOLVE ON THE PETITION OF NATHAN BEALS.

Legislative
Records of the
Council,
xxxviii., 429.
Mass.
Archives,
ccxviii., 4.

ON THE PETITION of Nathan Beall, praying that he may obtain a grant of a tract of land, containing about two hundred acres, lying in the County of Hampshire and bounded westerly on the Plantation No five and easterly on Ashfield west Line, or liberty to occupy the same.

Resolved that John Hastings Esq., be a Committee to enquire whether there is any land as set forth in sd Petition and report the state of said land to the next General Court at their first session. [*Passed April 11.*]

CHAPTER 938.

RESOLVE FOR TRANSMITTING COPIES OF ACTS AND RESOLVES PASSED IN CONSEQUENCE OF RECOMMENDATIONS OF THE CONTINENTAL CONGRESS.

Legislative
Records of the
Council,
xxxviii., 427.

IN COMPLIANCE with a Requisition of Congress of the 16th March last.

Resolved that the Hon President of the Council be requested to transmit to Congress, as soon as possible, attested copies of all the

Acts and Resolves of the Legislature of this State, passed in consequence of Recommendations of Congress received since the first of November, 1777, and of all Acts and Resolves which may hereafter be passed by this Court in consequence of future Recommendations. [*Passed April 13.*¹

Mass.
Archives,
ccxviii., 9.

Mass.
Archives,
ccxviii., 9½.

CHAPTER 939.

RESOLVE DIRECTING MAJOR DANIEL CLAP, AGENT, TO GIVE MAJ. GEN. HEATH POSSESSION OF A CERTAIN DWELLING HOUSE, ETC.

Resolved that Major Daniel Clap, Agent to the estate of John Murray, an Absentee, late of Rutland in the County of Worcester, be and hereby is directed to deliver to Major General Heath or his order, possession of the dwelling house and out-houses thereto belonging, lately owned & occupied by said Murray; for the purpose of quartering such of the officers of the Convention of Saratoga as he shall think proper to quarter there, in consequence of a Resolution of Congress for removing said Troops and a late Resolve of this Court, any former Resolve notwithstanding. [*Passed April 13.*

Legislative
Records of the
Council,
xxxviii., 431.

Mass.
Archives,
ccxviii., 10.

Mass.
Archives,
ccxviii., 11.

CHAPTER 940.

RESOLVE ADJOURNING THE INFERIOR COURT OF COMMON PLEAS IN MIDDLESEX COUNTY.

WHEREAS the Inferior Court of Common Pleas, by law appointed to be held at Concord, in & for the County of Middlesex, on the second Tuesday of March, now stands adjourned to Tuesday the 21st day of April instant, and the present session of the General Assembly will probably prevent some of the members of said Court & other persons concerned from giving their attendance at that time: Therefore

Legislative
Records of the
Council,
xxxviii., 431.

Mass.
Archives,
ccxviii., 12.

Resolved that the s^d Inferiour Court of Common Pleas be further adjourned to Tuesday the 19th day of May next, then to be held at Cambridge in s^d County, & all matters & things that would have come before the said Court on the s^d 21st day of April, shall be considered & determined on the s^d 19th day of May, to all intents & purposes as they might have been on the said 21st of April, of which all persons concerned are hereby directed to take notice. [*Passed April 13.*

CHAPTER 941.

RESOLVE ON THE PETITION OF CERTAIN INHABITANTS OF NEWTON.

In the House of Representatives.

On a Petition of a Committee of the inhabitants of the westerly part of Newton, setting forth that agreeably to a Resolve passed the second day of February last, on a Petition preferred by them to this Court, they have served the Town Clerk of Newton with a copy thereof, and praying that a Committee may be appointed at their cost to hear the parties at said Newton.

Mass.
Archives,
ccxviii., 39.

Mass.
Archives,
ccxviii., 37.

Resolved that the prayer of the said Petition be granted and

¹ This date is April 10 according to Legislative Records of the Council.

that Daniel Hall & Cap^t Spring be, with such as the Hon Board shall join, a Committee for the purpose aforesaid, any thing in the aforesaid Resolve to the contrary notwithstanding.

In Council

Read & Concurred and John Whetcomb Esq^r is joined. [*Passed April 13.*]

CHAPTER 942.

RESOLVE ON THE PETITION OF CAPT. JOHN JOSSELYN.

Legislative
Records of the
Council,
xxxviii., 432.

ON THE PETITION of Captain John Josselin, praying for part of the wages due to four soldiers in his company.

Resolved that there be paid out of the Public Treasury of this State to Capt. John Josselyn, the sum of Six pounds, for the use of Zeeb Green, Elijah Houghton, Silas Spaulding and Joseph Priest, the four soldiers mentioned in said Petition, being the sum they are entitled to by a Resolution of this Court. [*Passed April 14.*]

CHAPTER 943.

RESOLVE IMPOWERING BENJAMIN PIERPOINT, EXECUTOR, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 433.
Mass.
Archives,
ccxviii., 15.

ON THE PETITION of Benjamin Pierpont of Roxbury in the County of Suffolk, Executor of the last will and testament of William Pierpont, late of said Roxbury deceased, praying to sell the real estate of said deceased's for reasons sett forth in said Petition.

Mass.
Archives,
ccxviii., 16.

Resolved that the prayer of said Petition be granted and that the said Benjamin Pierpont, in his said capacity, be and is hereby empowered to make sale of the real estate mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers; he observing the rules in the law for the sale of real estate by Executors and Administrators, and giving bond to the Judge of Probate for the County of Suffolk, that the proceeds of said sale be applied for the uses mentioned in the Petition; viz. one third of the interest to be paid annually to the said Mary Leonard during her natural life as her dower, and the other two thirds to be put out to interest for the use of said minor, & after his mother's decease the principal of her third to be to said minor. [*Passed April 14.*]

CHAPTER 944.

RESOLVE FOR ENLISTING A GUARD FOR THE POWDER HOUSE IN WATERTOWN.

Legislative
Records of the
Council,
xxxviii., 434.
Mass.
Archives,
ccxviii., 17.

Resolved that Cap^t Jonathan Brown be a Committee to inlist seven men out of the Militia in Watertown or the Towns adjacent, to serve as a guard to the Powder House in said Town for the space of three months, unless sooner discharged by order of the General Court; said guard to consist of one corporal and six privates, to be allowed as follows, Viz. the corporal Fifty two shillings per calendar month and the privates Forty eight shillings per month and rations as has been accustomed. [*Passed April 14.*]

CHAPTER 945.

RESOLVE DIRECTING ATTORNEY GENERAL TO PROSECUTE SUN-
DRY PERSONS FOR HIGH TREASON.

WHEREAS there is now confined in the goals in the Counties of Hampshire & Berkshire, sundry persons who were taken with our enemies & in arms against the United American States; and it being of great importance to these States that such parricides should receive adequate punishment: Therefore

Legislative
Records of the
Council,
xxxviii., 432.
Mass.
Archives,
ccxviii., 18.

Resolved that the Attorney General of this State be and he hereby is directed at the next Superior Court of Judicature &c, to be holden at Northampton within & for the Counties of Hampshire & Berkshire, to bring forward process for High Treason against all such persons, inhabitants of this State, as have been taken in arms with the enemies of these United States, and are now confined in the goals in the Counties of Hampshire & Berkshire. And the Justices of said Court are hereby directed to hear and determine thereon agreeable to the Act of this State against Treason &c. [*Passed April 15.*¹]

Mass.
Archives,
ccxviii., 19.

CHAPTER 946.

RESOLVE PROVIDING THAT CERTAIN PROPERTY IN RUTLAND BE
LEASED TO MAJ. GEN^L HEATH.

THE COMMITTEE of both Houses appointed on the letter of Major General Heath and the papers accompanying the same have attended that service and beg leave to report the following Resolve which is Submitted.

Legislative
Records of the
Council,
xxxviii., 436.
Mass.
Archives,
ccxviii., 20.

MOSES GILL per order.

Resolved that Major Daniel Clap, Agent on the estates of John Murray Esq^r and Daniel Murray, both late of Rutland in the County of Worcester, Absentees, be and hereby is directed to lease out to Major General Heath, or to such person as he shall appoint for that purpose on reasonable terms, all the lands and buildings lately owned and occupied by the said John Murray and Daniel Murray in Rutland aforesaid, excepting the dwelling House now improved as a tavern by M^r Joseph Wood and the land and building thereto belonging.

Mass.
Archives,
ccxviii., 21-23.

In Council

Read & Accepted

In the House of Representatives

Read and concurred. [*Passed April 15.*]

CHAPTER 947.

RESOLVE DIRECTING THE TOWN OF WARD TO FURNISH ITS PRO-
PORTION OF CONTINENTAL SOLDIERS, ETC.

WHEREAS this Court has incorporated part of the Towns of Worcester, Sutton, Oxford and Leicester, into a Town by the name of Ward: and whereas the Towns they are taken from as aforesaid, stand charged with their full quota of Continental men

Legislative
Records of the
Council,
xxxviii., 436.
Mass.
Archives,
ccxviii., 27.

¹ This date is April 14 according to Legislative Records of the Council.

and all draughts that have been already ordered, and also for their proportion of cloathing for the army that has been ordered by this Court:

Resolved that the persons that did belong to the several Towns that are sett off to said Town of Ward, shall find and provide their full proportion of Continental men, cloathing and utensils, according to the number taken from each Town by such new incorporation; each of the said Towns of Worcester, Sutton, Oxford & Leicester, giving an account of the number taken from each Town to the Selectmen or Town Clerk that may be chosen for said Town of Ward, agreeably to the returns made by Order of Court in January, 1777, that said Town of Ward may know how many men and cloathing is their just proportion; also

Resolved that the s^d Town of Ward pay their just proportion for Representatives pay to the respective Towns they belonged to before incorporated as aforesaid, their being thus incorporated notwithstanding. [*Passed April 15.*]

CHAPTER 948.

RESOLVE PERMITTING CAPT. WILLOE AND FAMILY TO PROCEED TO HALIFAX.

Legislative
Records of the
Council,
xxxviii., 437.
Mass.
Archives,
ccxviii., 26.

ON A LETTER from Major General Heath, informing the Court that Captain Willoe of the 8th British Regiment has the permission of Congress to go to Canada by way of Hallifax, & that he waits the necessary orders of this Court:

Mass.
Archives,
ccxviii., 24, 25.

Resolved that Capt Gordon of the Schooner Industry have leave to proceed to Hallifax & to take on board the said Capt Willoe & his family, he the said Willoe paying the hire and all other charges attending the said vessel.

And that the Hon^{ble} Council be and hereby are desired to give the necessary orders and instructions to the said Capt Gordon, respecting his conduct during his voyage to Hallifax as aforesaid. [*Passed April 15.*]

CHAPTER 949.

RESOLVE ON THE PETITION OF JAMES SHAPLEIGH.

Legislative
Records of the
Council,
xxxviii., 437.
Mass.
Archives,
ccxviii., 28.

ON THE PETITION of Lieut James Shapleigh of Cap^t Esaias Prebble's company of Militia doing duty at Winter Hill, praying for a number of Fire Arms for the use of said company.

Mass.
Archives,
cxliii., 254;
ccxviii., 29.

Resolved that the Board of War be and they hereby are ordered & directed to deliver the said Lieut James Shapleigh eighteen Fire Arms, he the said Lieut James Shapleigh giving his obligation to return the said arms in good order as received to the said Board of War, or their order, on or before the Third day of July next, except such and so many of said arms as the men for whose use they are wanted shall chuse to purchase; which guns the Board of War are hereby impowered to sell them at such price as they, the said Board of War, shall judge reasonable; and the Captain of the company or commanding officer is hereby directed to make such stoppages on his muster-roll from those men who keep any of Said guns, as the price of said guns are set at by the Board of War, and the sum of three shillings for the use of each one which shall be returned. [*Passed April 15.*]

CHAPTER 950.

ORDER ON THE PETITION OF ABIGAIL STORY AND FRANCIS MARSHALL.

ON THE PETITION of Abigail Story and Francis Marshall, Administrators on the estate of Francis Marshall, late of Boston, deceased, praying that the Court would grant them liberty to bring forward a writ of review of an action therein mentioned, which was some time about the year seventeen hundred and seventy four, commenced against them by John Sergeant of Chelsea.

Legislative
Records of the
Council,
xxxviii., 435.

Ordered that the petitioners notify the adverse party by serving them with a copy of said Petition and this Order fourteen days before the second Wednesday of the next sitting of the General Court; that they shew cause, if any they have, on the said second Wednesday of the next sitting of the General Court, why the prayer of the Petition should not be granted, and in the mean time execution of the within mentioned judgment of Court is hereby ordered to be stayed. [*Passed April 15.*]

CHAPTER 951.

RESOLVE ON THE PETITION OF CAPT. JOSIAH KEITH AND OTHERS.

ON THE PETITION of Cap^t Josiah Keith and others, praying that Brigadier George Godfrey Esq^r, may not settle the dispute between the several Captains in the Town of Easton relative to their return of soldiers in the Continental service.

Legislative
Records of the
Council,
xxxviii., 438.
Mass.
Archives,
ccxviii., 31.

Resolved that the prayer of the Petition be so far granted that Brigadier George Godfrey Esq^r, is hereby ordered to appoint a further time for the hearing the parties mentioned in said Petition, notwithstanding the Order of the General Court of April y^e [fourth]¹ instant; and that Coll Benj^a Gill of Stoughton, & Capt Barnabas Howard of Bridgewater, be a Committee to join with s^d Brigadier Godfrey to hear and determine all matters in dispute relative to the returns of Continental soldiers returned by the several Captains in the Town of Easton, and the determination of any two of the Committee shall be final, and the commanding officers of each company are hereby ordered to govern themselves accordingly and make up their deficiency of soldiers in the Continental Army immediately. [*Passed April 16.*]

Mass.
Archives,
ccxviii., 32, 33.

CHAPTER 952.

RESOLVE ON THE PETITION OF ANDREW DEWING.

ON THE PETITION of Andrew Dewing.

Resolved that the Guardians of the Natick Indians be, and they are hereby impowered and directed to repay to the said Andrew Dewing, so much of the proceeds of the sale of thirty two acres and an half of land which Benjamin Wiser sold to the said Andrew, as remains in their hands; and the said Guardians are further impowered and directed to examine into the claims to the estate of Samuel Tobumso, and so far as it shall appear to them just and reasonable, they are ordered and directed to pay to the said Andrew. [*Passed April 16.*]

Legislative
Records of the
Council,
xxxviii., 439.
Mass.
Archives,
ccxviii., 42.

Mass.
Archives,
ccxviii., 43.

¹ Inserted from Legislative Records of the Council.

CHAPTER 953.

RESOLVE REQUESTING THE COUNCIL TO SEND WILLIAM HOSWELL
AND FAMILY TO HALIFAX.

Legislative
Records of the
Council,
xxxviii., 440.
Mass.
Archives,
ccxviii., 44.

Mass.
Archives,
ccxviii., 45.

ON THE PETITION of the Select Men of the Town of Abington, praying that William Hoswell and family, lately ordered by this Court to said Town, might be removed for the reasons sett forth in said Petition

Resolved that the Hon^{ble} Council be requested to send the said Hoswell, with his family and effects, to Halifax in the first Cartel, with such orders as the Hon^{ble} Council shall think fitt to injoin on him. [*Passed April 16.*]

CHAPTER 954.

RESOLVE IMPOWERING HANNAH ROSS TO SELL HER THIRD PART OF
THE ESTATE OF THOMAS ROSS, DECEASED.

Legislative
Records of the
Council,
xxxviii., 440.
Mass.
Archives,
ccxviii., 46.

Mass.
Archives,
ccxviii., 47, 48.

ON THE PETITION of Hannah Ross of Billerica in the County of Middlesex, widow, praying to have liberty to sell her third part of the real estate of her late husband Thomas Ross of said Billerica, deceased, for the reasons sett forth in said Petition.

Resolved that the prayer of the petition be granted and that the said Hannah Ross be, and is hereby empowered to make sale of her thirds of the real estate mentioned in said Petition, under the inspection of the Selectmen of Billerica for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers; they observing the rules in the law for the sale of real estates by Executors and Administrators, and giving proper security to the Town of Billerica that the proceeds of said sale be applied for her support during her natural life and the remainder, if any there be, to be divided amongst the lawful heirs. [*Passed April 16.*]

CHAPTER 955.

RESOLVE IMPOWERING SAMUEL WHITE, ADMINISTRATOR, TO SELL
REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 441.
Mass.
Archives,
ccxviii., 49.

Mass.
Archives,
ccxviii., 50.

ON THE PETITION of Mary White, widow of Ebenezer White, late of Acton in the County of Middlesex, deceased, praying that the real estate of the s^d Ebenezer may be sold for reasons set forth in said Petition.

Resolved that the prayer of said Petition be granted and Samuel White, Administrator on said estate, be and he hereby is empowered, in his said capacity, to make sale of the real estate of the said Ebenezer for the most it will fetch, and to make and execute a good deed or deeds of the same to the purchaser or purchasers; he observing the rules of the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Middlesex, that the proceeds arising by said sale be disposed of according to law. [*Passed April 16.*]

CHAPTER 956.

RESOLVE FOR SUPPLYING COL. JONATHAN REED WITH FIRE ARMS.

Resolved that the Board of War be & hereby are directed to deliver Coll Jon^s Reed, a number of fire arms & cartridge boxes, not exceeding seventy, for the use of those of the militia from the County of Barnstable who shall join his regiment & are destitute of said articles, he taking a receipt of each man to whom they shall be delivered. And it is further

Legislative
Records of the
Council,
xxxviii., 441.
Mass.
Archives,
ccxviii., 40.

Resolved that the sum of Four shillings shall be stopped out of each man's wages for the use of said gun & cartridge box during the term of his present engagement; and in case at the end of said term such gun or cartridge box shall not be returned, the sum or sums at which the Board of War shall set them respectively, shall be stopped out of his or their wages.

CHAPTER 957.

VOTE ON REPORT OF COMMITTEE ON THE PETITION OF ALEXANDER SHEPARD, JR., AND OTHERS.

THE COMMITTEE of both Houses on the Petition of Alexander Shepard Jun^r & others, inhabitants of the westerly part of the Town of Newton, praying that they may be impowered to draw out of the Treasury of said Newton, a sum of money sufficient to support the Gospel in said westerly part of said Town, be abated their ministerial Taxes, or be set off a Parish.

Legislative
Records of the
Council,
xxxviii., 439.
Mass.
Archives,
ccxviii., 34.

Having been to said Town, heard both parties by their respective Committees & viewed the premises, beg leave to Report, as our opinion, that the petitioners, with their estates, be set off a Parish and endowed with all Parish privileges, together with such other persons & their estates, who are intermixed with them & shall desire it, within six months after the said petitioners, be set off as aforesaid.

All which is submitted.

JOHN WHETCOMB p^r order

In Council

Read & Accepted and thereupon

Ordered that the petitioners have liberty to bring in a Bill for the purposes mentioned on the above report.

In the House of Representatives

Read & concurrd. [*Passed April 16.*]

CHAPTER 958.

RESOLVES ON THE PETITION OF BRIG. GEN. JOHN GLOVER.

ON A PETITION of Brigadier General Glover, praying for directions respecting sundry Accounts brought in against him for supplies to, and damages done by the Troops of the Convention on their march from Saratoga.

Resolved that Brigadier General Glover be & hereby is advised to discharge such & so many of the Accounts exhibited against him for damages done to sundry inhabitants of this State by the

Legislative
Records of the
Council,
xxxviii., 434.
Mass.
Archives,
ccxviii., 51.
Mass.
Archives,
ccxviii., 52, 53.

Troops of the Convention of Saratoga in their march to Cambridge, as shall appear to him to be just; s^d Accounts to be certified by the Selectmen or Committees of Correspondence &c, or the major part of them, in the several Towns where said damage was done or the oath of the party from whom said articles were taken.

Resolved that General Glover be and he hereby is also advised to pay so many of the inhabitants of this State as have had articles taken from them by the s^d Troops in their march aforesaid, the value of such articles to be fixed by the Selectmen of the several Towns from whence said articles were taken; provided the person or persons so suffering make satisfactory evidence that the articles were so taken & carried off by said Troops, and if in case satisfactory proof is not made as aforesaid, said Glover is hereby advised not to discharge them. [*Passed April 17.*¹]

CHAPTER 959.

RESOLVE IMPOWERING EZRA WOOD, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 442.
Mass.
Archives,
ccxviii., 75.

ON THE PETITION of Ezra Wood, Administrator on the Estate of James Hayward, late of Douglas in the County of Worcester and State aforesaid, praying for liberty to make sale of the real estate of the said James Hayward.

Mass.
Archives,
ccxviii., 76.

Resolved that the said Ezra Wood, in his said capacity, be and he hereby is impowered to make sale of the real estate of the said James Hayward for the most y^e same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers for the same; he observing the rules in the law for the sale of real estate by Executors and Administrators, and giving bond to the Judge of Probate for the County of Worcester, that the proceeds of said sale be disposed of according to law. [*Passed April 17.*]

CHAPTER 960.

RESOLVE ON THE PETITION OF SAMUEL LANGDON, PRESIDENT OF HARVARD COLLEGE.

Legislative
Records of the
Council,
xxxviii., 443.
Mass.
Archives,
ccxviii., 95.

ON THE MEMORIAL of the Corporation of Harvard College, requesting liberty to purchase a number of books for the use of that Society.

Mass.
Archives,
ccxviii., 92.

Resolved that the books mentioned, or such of them as may be found amongst the Sequestered Goods, be freely given to Harvard College to be deposited in the library for the use and benefit of the students of that Society, and the Committee of Sequestration are hereby directed to deliver the same to the said Corporation, or to their order, taking their receipt therefor. [*Passed April 17.*]

¹ This date is April 14 according to Legislative Records of the Council.

CHAPTER 961.

RESOLVE ON THE PETITION OF JOHN LAWRENCE.

ON THE PETITION of John Lawrence.

Resolved that the Board of War be and hereby are directed to deliver to him two guns & two cartouche boxes, in lieu of those he and his son, Elihu Lawrence, delivered to John Sheppard, Commissary of Artillery Stores, at Fort George (as will appear by the receipts herewith exhibited) and s^d Board of War are hereby directed to charge the Continent with the same. [*Passed April 17.*]

Legislative
Records of the
Council,
xxxviii., 443.
Mass.
Archives,
ccxviii., 89.
Mass.
Archives,
ccxviii., 90, 91.

CHAPTER 962.

RESOLVE IMPOWERING JOHN SCOTT AND JUDITH SCOTT TO SELL CERTAIN REAL ESTATE.

ON THE PETITION of John Scott & Judith Scott, praying that they may have liberty to make sale of a certain large mansion house in Boston, with the yards, gardens, out-houses & appurtenances thereto belonging, devised by her late father Peter Chardon Esq^r, to the petitioner, Judith Scott, during her natural life, and at her decease to the son of the aforesaid petitioners, Peter Chardon Scott & his heirs forever.

Legislative
Records of the
Council,
xxxviii., 444.
Mass.
Archives,
ccxviii., 83.
Mass.
Archives,
ccxviii., 84-88.

Resolved that the prayer of the Petition be granted and that the petitioners, John Scott & Judith Scott, be & they hereby are empowered to make sale of the aforesaid remains of the mansion house, with the yards, gardens, out-houses & appurtenances thereto belonging, as expressed in said Peter Chardon's will, & to give & execute a good & sufficient deed or deeds of conveyance to the purchaser or purchasers; the money arising from the sale thereof to be invested in real estate, the income whereof to be to the use of the said Judith Scott during her natural life, and at her decease said estate to descend to y^e son of the petitioners, Peter Chardon Scott, & his heirs forever, agreeable to the spirit of the testator's last will; the said John Scott & Judith Scott giving bonds to the Judge of Probate for the County of Suffolk, that the money arising from the sale of the aforesaid real estate shall be appropriated for the purchase of other real estate for the purpose abovementioned. [*Passed April 17.*]

CHAPTER 963.

RESOLVE ON THE PETITION OF EDWARD TINKHAM.

ON THE PETITION of Edward Tinkham of Yarmouth in Nova-Scotia.

Resolved that there be allowed & paid out of the Treasury of this State One hundred pounds to Edward Tinkham, as a present from this State in consideration of his humane behaviour to divers of the subjects of these States when in distress. [*Passed April 17.*]

Legislative
Records of the
Council,
xxxviii., 444.
Mass.
Archives,
ccxviii., 96.

CHAPTER 964.

APPOINTMENT OF FIELD OFFICERS OF THE 2ND HAMPSHIRE COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 445.
Mass.
Archives,
ccxviii., 82.

In the House of Representatives
The House made choice by ballot of the following Gentlemen as Field Officers for the second Regiment of Militia in the County of Hampshire, viz.

Seth Hunt	:	:	:	:	:	:	:	Lieut. Colonel
Seth Murray	:	:	:	:	:	:	:	1 st Major
Christopher Bannister	:	:	:	:	:	:	:	2 nd Major.

In Council
Read & Concurred. [*Passed April 17.*]

CHAPTER 965.

RESOLVE ALLOWING £1,734. 1^s, 6^p FOR ERECTING AND REBUILDING THE FORTS AT SALEM, ETC.

Legislative
Records of the
Council,
xxxviii., 445.
Mass.
Archives,
ccxviii., 97.

Resolved that there be allowed & paid out of the Treasury of this State to the Selectmen of the Town of Salem or their order, for the use of s^d Town the sum of One thousand seven hundred & thirty four pounds, one shilling and six pence, in full of their account for erecting & rebuilding the Forts in that Town & for the Hulks sunk at the entrance of that harbour. [*Passed April 17.*]

CHAPTER 966.

RESOLVES REQUIRING DELINQUENT TOWNS TO FURNISH THEIR QUOTA OF MEN FOR THE ARMY.

Legislative
Records of the
Council,
xxxviii., 446.
Mass.
Archives,
ccxviii., 80.

WHEREAS it appears by the returns made into the Secretary's Office that the proportion of the Continental Army directed to be raised in this State is far short of being compleat; and as the Military Officers, Select Men & Committees in many Towns & Plantations, have by their generous exertions raised their full proportion, while others have neglected their duty in this regard, notwithstanding the repeated resolutions & pressing demands of the General Court —

And as it is necessary in order to compleat the same and do equal justice through the State, to make it the interest as well as the duty of the several Towns & Plantations in this State, immediately to furnish their respective quotas of men: It is therefore,

Resolved that the Military Officers, Select Men & Committees in each & every Town and Plantation in this State, that now are delinquent in that respect, shall on or before the twentieth day of May next cause a number of men (including such, as have already been inlisted or drafted to serve as soldiers in the Continental Army and whose time is not yet expired), equal to one Seventh part of such Town or Plantations male inhabitants on the first day of January, 1777, agreeable to a Resolve of this Court of the fifteenth day of August last past; to be forthwith enlisted for the said service for the term of three years or during the present war, or drafted to serve therein for the space of eight months from the

day such draft is made, and to make return thereof into the Secretary's Office on or before the first day of June next.

And on failure thereof that each delinquent Town shall incur the penalty and forfeit the sum of One hundred & fifty pounds for the use of this State for every man they shall be deficient as aforesaid, which sum shall be added to the next State-Tax of such Town or Plantation; and that the Attorney General be empowered & directed on complaint of such delinquent Towns & Plantations against such of their Officers, Select Men & Committees, as have by negligence or misconduct incurred any forfeitures in consequence of former Resolves of the General Court, to prosecute such Officers, Select Men or Committees to final judgment & execution by presentment or otherwise before any Court proper to try the same; and that the Resolves of this Court of the fifteenth day of August last and of the third day of February last past, so far as the same requires the Town Treasurers, Colonels, and Receiver-General and Attorney General to prosecute for Forfeitures therein mentioned, be and hereby is declared null and void.

And whereas notwithstanding the Resolves of Congress and of this Court to the contrary, some of the Towns & Plantations in this State have procured British prisoners of war & deserters from the British army to be inlisted as part of such Towns or Plantation's quota as aforesaid, many of whom have already deserted to the enemy with their arms and others are ordered to be sent back from the army as being unfit to be employed therein, for remedy whereof —

Be it further

Resolved that such prisoners and deserters as aforesaid that heretofore have or shall be hereafter inlisted by any Town or Plantation in this State, shall not be considered to exempt such place from the penalty aforesaid, but such place shall still be holden to compleat their full Quota as aforesaid to all intents and purposes as thô no such prisoner or deserter had been inlisted as aforesaid. [*Passed April 17.*]

CHAPTER 967.

RESOLVE ALLOWING £1,437. 7^s. 9½^d TO COL^o JOHN ALLAN, CONTINENTAL AGENT FOR THE EASTERN INDIANS.

Resolved that there be paid out of the publick Treasury of this State to Col^o John Allan, the sum of Two hundred & thirty-seven pounds, seven shillings and nine pence half penny, being so much due him on his accounts as commanding officer of the troops stationed at Machias.

Resolved that there be paid to said Col^o John Allan, Continental Agent for the Eastern Indians, out of the publick Treasury of this State, the sum of Twelve hundred pounds, on account of the United States, to enable him to discharge the debts already contracted & to carry on the business of Agency with the Indians, said Allan to be accountable for the same.

Resolved that the Board of War be and hereby are directed to furnish said Allan with four whale boats and an oil cloath marquee.

Resolved that Lieu^t William Albee with thirty men now under his command at Machias, & whose time of service expires in June next, be continued in service untill the first day of December insuing, and the Board of War are hereby directed to furnish Stephen Smith, Commissary at Machias, with provisions for the same.

Legislative
Records of the
Council,
xxxviii., 447.
Mass.
Archives,
ccxviii., 54.

Mass.
Archives,
ccxviii., 541-74.

Resolved that Major George Stillman be and hereby is im-
powered to engage in the service a good surgeon for the troops at
Machias, and said surgeon to be allowed Ten pounds for each
calendar month and two rations of provisions.

Resolved that the Council be and hereby are desired to write a
letter to Congress, inclosing all the letters Colo^d Allan hath wrote
to this Court, together with his accounts as Agent to the Eastern
Indians, acquainting them with what they have advanced said
Allan & desire that they would take some proper order respecting
his further supply.

And whereas it is attended with great charge & is highly im-
proper for this State to keep a Truck House at Machias, as the
Indians there are wholly under the directions of the Continental
Agent: Therefore

Resolved that the Truck House at Machias ought in future to be
carryd on at the charge of the United States, under the direction
of Col^o John Allan, Continental Agent for the Eastern Indians,
and the Council is hereby desired to inform Congress of the same.

Whereas the penalty mentioned in the Resolve of this Court of
the 21st of June last hath been found insufficient to prevent the
evil practices therein complained of, in respect of trading with
the Indians: Therefore

Resolved that no person or persons (the Truck-Master excepted)
be allowed to give, sell, truck, barter or exchange with any Indian
or Indians, any Strong Beer, Cyder, Wine, Rum, Brandy, Strong
Liquors or any other articles, for Clothing or any other thing
whatsoever the Indians may have in possession, whether intoxi-
cated or not; on the penalty of Fifty pounds, to be paid one
moiety to him or them who shall inform or sue for the same, and
the other moiety to the Treasurer of this State for the use of the
State, for each and every offence above mentioned, to be recovered
at any Court proper to try the same, or twelve months imprison-
ment. [*Passed April 17.*]

CHAPTER 968.

RESOLVE ON THE PETITION OF LIEUT. ANDREW GILMAN.

ON THE PETITION of Andrew Gilman, setting forth that he left
his home in Canada in the year 1775, to serve this State in en-
gaging the Penobscot and several other tribes of Indians to engage
in our service, or rather not to take up the hatchit against us;
and that he has served faithfully from the month of May 1775,
untill Jan^y ye 22^d, 1778, at which time he was discharged, and
praying that he may be reinstated in his former service &c.

Resolved that Lieut Andrew Gilman be & he is hereby appointed
a Lieutenant in the service of this State, to reside at Penobscot
& with the Penobscot tribe of Indians, to watch their motions and
inclinations, as well as the dispositions of all other Indians that
may come within his knowledge, and to do such other services as
he may be appointed to by the General Court of this State. It is
further

Resolved that s^d Andrew Gilman be allowed the same pay and
rations as a Lieutenant in the Continental Army, to commence y^e
23^d of Jan^y last, for his service as aforesaid, untill the further
order of this Court, and the Honorable Council are hereby re-
quested to commission and direct the said Gilman accordingly.
[*Passed April 17.*]

CHAPTER 969.

ORDER ON THE PETITION OF SAMUEL PETTY AND OTHERS.

THE COM^{EE} of both Houses to whom was refer^d the Petition of Samuel Petty and others, praying they may be incorporated into a Town, report that it is expedient that a Committee should be appointed by this Court to repair, at the expence of the petitioners, to the premises, hear all parties concerned and report to the next General Court on the second Wednesday of their next session, the propriety or impropriety of the s^d incorporation; and that the s^d petitioners serve all the Towns and parties concerned with a copy of this Order on or before the first day of May next. And that the Petition of Eleazer Robbins and others, praying they may be incorporated with the Town of Marshfield, be referred to the consideration of the General Court on the s^d 2^d Wednesday at their next session.

Legislative
Records of the
Council,
xxxviii., 442.
Mass.
Archives,
ccxviii., 77.

J. HOPKINS by Order

In Council

Read & not accepted & thereupon

Ordered that the prayer of the petitioners be granted and they have liberty to bring in a Bill for the purposes mentioned in said Petition.

In the House of Representatives

Read & Concurr^d. [*Passed April 17.*]

CHAPTER 970.

RESOLVE FOR FILLING UP THE 15 BATTALIONS OF CONTINENTAL TROOPS TO BE RAISED IN THIS STATE.

WHEREAS the Hon^{ble} the Continental Congress have by a Resolve passed the 26th Feb^y last, required this State to fill up by drafts from their militia or in any other way that shall be effectual, the fifteen battalions assigned to this State as their proportion of the Continental Army, and the well being and safety of the United States requires that a powerful army should be early brought into the field, effectually to oppose and defeat our public enemies. And whereas it appears to this Court that one seventh part of the male inhabitants of this State above sixteen years of age will not afford a sufficient number of men to fill up & compleat at this time the fifteen battalions directed to be raised in this State, and it is of the utmost importance that they should be immediately compleated: Therefore

Legislative
Records of the
Council,
xxxviii., 450.
Mass.
Archives,
ccxviii., 109,
121, 124½.
Mass.
Archives,
ccxviii., 109-
124½.

Resolved that the several Towns within this State mentioned in the following list, be and hereby are required to furnish the number of men affixed against their names respectively, and for effectually carrying this Resolve into execution; the Brigadier or the commanding officer of each Brigade within this State, shall immediately on receipt hereof, issue his orders to the colonel or commanding officer of each regiment in his Brigade that they cause the several companies of their respective regiments to be called together on or before the eleventh day of May, and a number of men equal to the number assigned to each Town in his Brigade in the following list, to be forthwith raised by lot, draft or voluntary inlistment to fill up the fifteen battalions directed to be raised in this State, to serve therein for the space of nine

months from the time they shall respectively appear at Fish Kill on Hudson's River, the place of their rendezvous, unless sooner discharged; and cause the men so procured to be mustered by the County Muster Master; the draft to be made from the train Band and alarm lists, and return thereof to be made into the Secretary's Office on or before the first day of June next, and also to cause said men to be delivered to such person as may be appointed by this Court as a Superintendent of the County from whence they are procured, together with a list giving a description of their persons, their age, stature, the places of their abode, and the regiment & company from which they shall have been procured; which Superintendent shall cause said men so delivered to him, to be immediately marched to Fish Kill on Hudson's River under the care and conduct of such person as he shall appoint for the purpose, who shall be reasonably allowed for his time, service and expence in conducting said troops; and the said Superintendent shall also make out a descriptive list as aforesaid of said men by him from time to time sent to the place of rendezvous, and take receipts for such men upon the said lists from such persons as they shall appoint to conduct them to Fish Kill, and forward copies of such lists and receipts to such person appointed as a Commissioner to receive the enlisted and drafted men. And it is further

Resolved that Brig^r Jon^a Warner be and hereby is appointed a Commissioner to repair to Fish Kill on Hudson's River and there reside for the purpose of receiving the men procured as aforesaid from this State, and of delivering them over to such Continental officers as may be appointed by the Commander-in-Chief there to receive them. And the said Brigadier Jonathan Warner is hereby required to give receipts for such men as shall be delivered to him, and to make out such descriptive lists as aforesaid of them from time to time delivered over to such Continental officers and take receipts thereon from them and transmit copies of such lists and receipts to the Commander-in-Chief of the army and to the Secretary's Office in this State. And it is further

Resolved that if any man shall be drafted who shall not pass muster, or be of sufficient ability of body to serve in person, he shall nevertheless hire some able-bodied man to serve in his stead or pay a fine of Twenty pounds, if of ability to pay it, in the judgment of the major part of the Selectmen of y^e Town for which he is drafted for not serving, to be paid within twenty four hours next after being so drafted; and in default thereof, the person drafting him, shall and may issue a warrant of distress, directed to the clerk of the company, requiring him to levy and collect the same by distress and sale of the delinquent's goods and chattels; and the officer to whom the warrant of distress shall be directed is to be governed in the execution thereof by the rules prescribed by law for collecting public taxes; and any able bodied man who may be drafted as aforesaid and duly notified thereof, who shall not within twenty-four hours after, procure some able-bodied effective man in his room, to the acceptance of those who drafted him, or within twenty four hours pay them a fine of Twenty pounds, shall be considered as a soldier in the Continental Army for the term of nine months from the time he shall arrive at the place of rendezvous aforesaid, to every intent and purpose, and shall be forthwith delivered over to the Superintendent of the County where he is drafted, who shall immediately march him to the place of rendezvous aforesaid; and in Towns and Plantations where a company shall be destitute of a captain or subaltern to discharge the duties enjoined by these Resolves, the Selectmen and

Committees of Safety &c, or the major part of them, or where there is but one of those orders, such of them as may be there subsisting, shall have all the power and authority given by this Resolve to the commissioned officers of any company, and the Muster Masters already appointed by the General Court to muster Continental soldiers, are hereby authorized and impowered to muster the same, if they are able bodied effective men, & for that purpose to attend at such place or places as the Brigadier or commanding officer of the Brigade shall require; and in case by the payment of fines and forfeitures as aforesaid throughout the individuals of any company, a deficiency as to the said list shall remain, the commissioned officers or Selectmen or Committees as afores^d thereof, shall proceed in drafting, having regard to services already done & performed, 'till the same be compleated by hiring with fines paid or by drafting as aforesaid. And it is further

Resolved that the Selectmen of the several Towns and the Committees of Plantations in this State from whence men may be raised as aforesaid, are required and directed to pay to each man six pence per mile to the place of destination, for their support & carrying their packs, and lay their accounts before the Committee of Accounts, who are hereby directed to pay the same.

And whereas notwithstanding the Resolutions of Congress and of this Court to the contrary, some Towns & Plantations in this State have procured prisoners of war and deserters from the enemy to be inlisted as part of such Town's or Plantation's quota as aforesaid, many of whom have already deserted to the enemy with their arms, and others are ordered to be sent back from the army as being unfit to be employed therein; for remedy whereof, it is further

Resolved that such prisoners and deserters as aforesaid that shall be hereafter inlisted by any Town or Plantation in this State, shall not be considered to exempt such place from filling up their full proportion and quota aforesaid, to all intents, as though no such prisoner or deserter had been inlisted as aforesaid. And it is further

Resolved that every Brigadier or the commanding officer of a Brigade, who shall refuse or neglect to execute and discharge the duties in these Resolves prescribed him for drafting as aforesaid, shall be forthwith dismissed from that important office; and every commanding officer of a regiment, who shall refuse or neglect to discharge the duties enjoined him by these Resolves, shall be reported by his superior officer to the General Court, and all other commissioned officers neglecting or disobeying the commands of their superior officer for drafting as aforesaid, for each man so deficient in the company to which they belong on the fifteenth day of May next, shall severally forfeit the sum of Ten pounds, and Ten pounds monthly for every month after that time such deficiency of each man shall remain; and the Selectmen & Committees of Safety &c neglecting or refusing the duties required of them by these Resolves respecting the drafts aforesaid, shall individually be liable to the same fine and forfeitures as the commissioned officers last mentioned. The said fines and forfeitures shall be to the use of the Town or Plantation where they may be incurred for the purpose of procuring soldiers. And all fines & forfeitures incurred by these Resolves shall be sued for by action of debt by the Town Treasurers respectively, where any such Officer is chosen, and where there is no Town Treasurer, by the major part of the Selectmen or Committees of the Town or Plantation. The said fines & forfeitures may be sued for and recovered in any Court proper to hear and determine the same, where such forfeitures may be in-

curred with full cost of prosecution. And in order that it may be the interest as well as the duty of the several Towns & Plantations in this State, to see that their respective officers perform the duties in this Resolve prescribed:

Resolved that where any deficiency shall remain in the quota hereby assigned to any Town or Plantation on the twentieth day of May next, such deficient Town or Plantation shall incur the penalty and forfeit the sum of One hundred pounds for the use of this State for every man they shall be deficient as aforesaid, which sum shall be added to the next State Tax of such Town or Plantation. And it is further

Resolved that every person procured as aforesaid, who shall supply himself with a good firelock and bayonet or cartridge box, haversack and blanket, and shall at the expiration of the term of his service, produce to the proper Paymaster a certificate from his Captain or other commanding officer of his company that he hath been constantly provided therewith, shall receive agreeable to a Resolve of Congress of the 26th of Feb^y last, for the use of his firelock, bayonet and cartouch-box two dollars, and for the use of his blanket four dollars, and in a like proportion for any or either of them, and in case any of the said articles shall be lost or rendered useless in the service, without the negligence or fault of the proprietor, he shall be paid the value thereof.

And whereas by a former Resolution of the General Court it is provided that after any Town has compleated their full quota of the seventh part of the male inhabitants for the Continental service, the inhabitants of such Town might have liberty to be hired for any other Town's quota in this State; and as the Towns in this State are now called upon to raise their quota of the Two thousand men aforesaid, and it might be hurtful to grant such liberty any longer until the respective Towns have compleated their quota of the Two thousand men aforesaid: Therefore

Resolved that no Town in this State that is deficient in their quota of the Seventh part of their male inhabitants, or that shall be at any time deficient therein or in their quota of the 2,000 men as aforesaid, shall have liberty or be allowed to hire any man from any other Town for that purpose.

And whereas the conduct of the Town of Falmouth and some other Towns in this State is highly commendable, manly and patriotic, in their generous exertions to raise volunteers to reinforce the Continental Army: It is therefore

Resolved that it be earnestly recommended to the several Towns & Plantations in this State, immediately to furnish a number of volunteers to serve with the American army for a term of six months next after their arrival at their place of destination, unless sooner discharged, not exceeding 2,000 in the whole; to be formed into companies of sixty men each, including non-commissioned officers, to be commanded by commissioned officers of their own choosing, who shall be commissioned for that purpose; & the Hon^{ble} Council are hereby desired to commissionate them accordingly when it shall appear to them that any such company is compleat, & their officers chosen as aforesaid; all such companies to be under the direction of the Council aforesaid, & who are to serve in such manner as the Commander-in-Chief of the American army shall order; & shall receive Continental pay & subsistence, & mileage as aforesaid, & paid in like manner, together with like allowance for the use of their arms, accoutrements & blankets as aforesaid: Provided such volunteers shall enlist & make return to the Council on or before the twentieth day of May next. And every such Town & Plantation, having previously furnished their sev-

eral proportions of the 2,000 men first mentioned & of all former requisitions, shall have credit for all such volunteers as they shall respectively furnish in manner as aforesaid, so as to be considered in future levies.

COUNTY OF SUFFOLK.

Towns	Nº of Men	Towns	Nº of Men
Boston	50	Needham	8
Roxbury	11	Stoughton	14
Dorchester	10	Stoughtonham	8
Milton	8	Medway	6
Braintree	16	Bellingham	4
Weymouth	10	Hull	1
Hingham	15	Walpole	7
Dedham	14	Chelsea	3
Medfield	5	Cohasset	4
Wrentham & Franklin	19		
Brookline	4	Total of Suffolk	217

COUNTY OF HAMPSHIRE.

Towns	Nº of Men	Towns	Nº of Men
Springfield	13	Ashfield	6
Wilbraham	7	Worthington	5
Northampton	13	Shutesbury & Ervingshire	4
Southampton	6	Chesterfield	6
Hadley	6	Southwick	3
South-Hadley	4	West Springfield	10
Amherst	7	Williamsburgh	3
Granby	3	Westfield	10
Hatfield	6	Deerfield	7
Whately	3	Greenfield	4
Conway	6	Shelburne	4
Northfield	4	Montague	5
Sunderland	3	Palmer	6
Brimfield	7	Granville	8
S ^e Brimfield	6	New-Salem	6
Monson	5	Belchertown	7
Pelham	5	Colrain	4
Greenwich	6	Ware	4
Blandford	5	Ludlow	3
Leverett	2	Norwich	2
Warwick	4	Nº 5	3
Bernardston	4	Nº 7 or Merrifield	1
Murrayfield	3		
Charlemont	3	Total of Hampshire	242

COUNTY OF ESSEX.

Towns	Nº of Men	Towns	Nº of Men
Salem	27	Gloucester	17
Danvers	14	Topsfield	6
Ipswich	23	Boxford	7
Newbury	19	Amesbury	11
Newbury-Port	17	Bradford	8
Marblehead	21	Wenham	4
Lynn	11	Middleton	4
Andover	19	Manchester	5
Beverly	15	Methuen	8
Rowley	11		
Salisbury	10	Total of Essex	272
Haverhill	15		

COUNTY OF MIDDLESEX.

Towns	Nº of Men	Towns	Nº of Men
Cambridge	10	Waltham	5
Charlestown	5	Stow	6
Watertown	6	Groton	11
Woburn	12	Shirley	4
Concord	10	Pepperell	6
Newton	9	Townsend	5
Reading	10	Ashby	3
Marlborough	10	Stoneham	2
Billerica	9	Natick	4
Framingham	10	Dracut	6
Lexington	6	Bedford	3
Chelmsford	8	Holliston	6
Sherburne	5	Tewksbury	6
Sudbury	14	Acton	5
Malden	6	Dunstable	5
Weston	7	Lincoln	5
Medford	7	Wilmington	5
Littleton	6		
Hopkinton	7	Total of Middlesex	252
Westford	8		

COUNTY OF BRISTOL.

Towns	Nº of Men	Towns	Nº of Men
Taunton	20	Dighton	8
Rehoboth	24	Freetown	12
Swansey	12	Raynham	6
Dartmouth	26	Easton	8
Norton	8	Berkley	5
Mansfield	7		
Attleborough	13	Total of Bristol	149

COUNTY OF PLYMOUTH.

Towns	Nº of Men	Towns	Nº of Men
Plymouth	12	Pembroke	11
Scituate	16	Kingston	6
Duxbury	7	Hanover	7
Marshfield	7	Abington	8
Bridgewater	28	Halifax	4
Middleborough	26	Wareham	4
Rochester	15		
Plympton	11	Total of Plymouth	162

COUNTY OF WORCESTER.

Towns	Nº of Men	Towns	Nº of Men
Worcester	12	Douglas	5
Lancaster	18	Grafton	6
Mendon	14	Petersham	8
Brookfield	18	Royalston	3
Oxford	6	Westminster	7
Charlton	8	Athol	5
Sutton	17	Templeton	6
Harvard	9	New Braintree	5
Dudley	6	Southborough	6
Bolton	8	Westborough	6
Upton	5	Northborough	3
Sturbridge	9	Shrewsbury	10
Leominster	6	Lunenburg	8
Hardwick	9	Uxbridge	8
Holden	5	Princeton	4
Leicester	6	Ashburnham	3
Spencer	7	Winchendon	3
Paxton	3	Northbridge	2
Rutland	7	Fitchburg	4
Oakham	3	Ward	3
Barre	8		
Hubbardston	3	Total of Worcester	298
Western	6		

COUNTY OF YORK.

Towns	Nº of Men	Towns	Nº of Men
York	16	Lebanon	3
Kittery	16	Fryeburg	3
Wells	16	Sanford	4
Berwick	18	Brownfield	1
Arundel	7	Buxton	4
Biddeford	6	Little Falls	2
Massabeseeck	3		
Pepperellborough	5	Total of York	104

COUNTY OF BARNSTABLE.

Towns	Nº of Men	Towns	Nº of Men
Barnstable	15	Chatham	5
Sandwich	8	Truro	5
Yarmouth	14	Falmouth	6
Eastham	12		
Harwich	12	Total of Barnstable	82
Welfleet	5		

COUNTY OF CUMBERLAND.

Towns	Nº of Men	Towns	Nº of Men
Falmouth	19	New-Gloucester	4
Cape Elizabeth	9	Pearsonstown	3
North Yarmouth	10	New-Boston	2
Scarborough	16	Raymondston	—
Brunswick	5	Royalsborough	—
Harpwell	5		
Gorham	9	Total of Cumberland	85
Windham	3		

COUNTY OF BERKSHIRE.			
Towns	Nº of Men	Towns	Nº of Men
Stockbridge	7	Tyringham	4
Sandisfield	6	Gageborough	3
New-Marlborough	6	Loudon	2
Sheffield & Taconick Mountains	10	Lenox	4
Lanesborough	9	Becket	3
Richmond	6	West-Stockbridge	3
New-Providence	2	Pittsfield	6
Hancock	3	Partridgefield	2
Williamstown	6	Washington	3
Great Barrington	6	East Hoosuck	4
New-Ashford	1		
Egremont	4	Total of Berkshire	102
Alford	2		

COUNTY OF LINCOLN.			
Towns	Nº of Men	Towns	Nº of Men
Pownalborough	8	Bowdoinham	2
Georgetown	11	Boothbay	4
New-Castle	3		
Woolwich	3	Total of Lincoln	35
Topsham	4		

TOTAL OF THE COUNTIES, VIZ.			
Towns	Nº of Men	Towns	Nº of Men
Suffolk	217	York	104
Hampshire	242	Barnstable	82
Essex	272	Cumberland	85
Middlesex	252	Berkshire	102
Bristol	149	Lincoln	35
Plymouth	162		
Worcester	298	Total	2,000

[Passed April 20.¹

CHAPTER 971.

RESOLVE FOR RAISING MEN TO SERVE AT NORTH RIVER AND RHODE ISLAND.

WHEREAS Congress by their Resolve of Feb^y 18th, 1778, has called upon this State for Thirteen hundred of the militia thereof with other States to fortify and secure the passes of the North River:

Resolved that the Brigadiers or commanding officers of y^e several Counties herein after expressed be directed to detach from their Brigades the number of men as follows:—That the Brigadier or commanding officer in the County of Suffolk detach therefrom One hundred and sixty-three men and form them into companies with proper officers to command them, with one Major; that y^e Brigadier or commanding officer of the County of Essex detach from the Brigade under his command Two hundred and three men & form them into companies of sixty-eight men as near as may be, with proper officers to command them, with one Colonel; that the Brigadier or commanding officer in the County of Middlesex detach from the Brigade under his command One hundred and eighty-eight men and form them into companies with proper officers to command them, with one Lieutenant Colonel; that y^e Brigadier or commanding officer in the County of York detach from his Brigade Seventy-eight men & form them into companies with proper officers to command them.

The above detachments to be formed into one regiment when they shall arrive at the Peek's Kills; and the commanding officer

Legislative
Records of the
Council,
xxviii., 459.
Mass.
Archives,
ccxviii., 100.
Mass.
Archives,
ccxvii., 409,
410, 426, 427;
ccxviii., 103-
108.

¹ This date is April 18 according to Legislative Records of the Council.

of each County to march his division to the aforesaid destination immediately, accoutred as the Militia Law of this State directs.

That y^e Brigadier or commanding officer of the County of Plymouth detach from his Brigade one Major and One hundred and twenty-two men and form them into companies as near as may be of sixty-eight men, with proper officers to command them; that y^e Brigadier or commanding officer of the County of Cumberland detach from his Brigade Sixty-six men and form them into a company with proper officers to command them; that the Brigadier or commanding officer of the County of Hampshire detach from his Brigade one Lieutenant Colonel and One hundred and eighty-two men and form them into companies as near as may be of sixty-eight men, with proper officers to command them; that the commanding officer of the County of Worcester detach from his Brigade one Colonel and Two hundred & twenty-two privates formed into companies as abovesaid; that y^e Brigadier or commanding officer in the County of Berkshire detach from the Brigade under his command Seventy-six privates and form them into a company as above, with proper officers to command them.

The abovesaid detachments to be formed into one other regiment when they shall arrive at the Peek's Kills, and the commanding officer detached from each County to march his division the nearest way to the Peek's Kills afores^d, the place of their destination, accoutred as the Militia Law of this State requires. And it is further

Resolved that the Selectmen of the several Towns from whence the above regiments are detached are hereby required to pay each man so detached four pence per mile in lieu of rations and two pence per mile for transporting their baggage, and lay their accounts before this Court for allowance and payment. The abovesaid regiments to be upon the Continental establishment, with an addition of forty shillings per month wages, and be under the command of such General Officer as the Commander-in-Chief of the Continental Army shall appoint, for the term of eight months from the time they arrive at the said place of rendezvous unless sooner discharged. And as the State of Rhode Island is in pressing need of immediate relief from her neighboring States, and for our own defence and to fulfill our engagements with the said State of Rhode Island: it is

Resolved that the Brigadier or commanding officer in the County of Bristol detach from the Brigade under his command One hundred & thirty men with proper officers to command them; and that the commanding officer in the County of Barnstable detach Seventy men with proper officers to command them; and march them immediately to Providence in the said State of Rhode Island, to do duty there in Wade's & Jacobs' regiments for the term of eight months unless sooner discharged, upon Continental establishment, with an addition of forty shillings per month wages, and that the aforesaid detachments may be completed without the least delay:

Resolved that any person detached for either of the abovesaid purposes being of able body in the opinion of the officer who shall detach him, and of the major part of the Selectmen of the Town where he is detached, shall not within twenty four hours hire some able-bodied man in his room or pay a fine of Ten pounds to the officer who detached him, shall be considered as a soldier and marched accordingly to the place of his destination; and the officer who shall receive the fine as abovesaid shall proceed to hire therewith or detach others, as the case may be, until he shall have completed his quota; and any person detached as aforesaid, who in

the opinion of the officer detaching him is not of able body, shall neglect or refuse to hire an able-bodied man in his room or pay the said fine as aforesaid, if of ability to pay it in the opinion of the major part of the Selectmen of said Town, shall be committed to the goal of the County to which he belongs by the officer detaching him; there to continue the said term of eight months on his own expence, and the goaler is hereby required to receive such person accordingly, and the said officer neglecting to commit such person to the goal as aforesaid for the space of ten days, shall pay a fine of Thirty pounds to be recovered by the Brigadier of the County or any other person by action of debt before the Inferior Court of the County where the delinquent officer dwells and shall be cashiered. And it is further

Resolved that the Brigadiers of the aforesaid Counties where it may be for convenience and good of the service and agreeable to the militia may appoint officers other than those belonging to the militia who have had commissions in the Continental Army and are approved good officers and not otherwise, and recommend them to the Council that they may be commissioned accordingly; and that the aforesaid detachments be made upon the train band and alarm lists indiscriminately. [*Passed April 20.*¹]

CHAPTER · 972.

RESOLVE IMPOWERING JONATHAN WOODS, GUARDIAN, TO SELL REAL ESTATE.

ON THE PETITION of Jonathan Woods of Brookfield in the County of Worcester, Guardian to Sylvester Edson, praying that he may be impowred to sell all the lands in trust that was set to said Sylvester of his father's estate, and that the proceeds of said sale may be put to interest for the benefit of said Sylvester Edson.

Legislative
Records of the
Council,
xxxviii., 462.
Mass.
Archives,
ccxviii., 98.

Resolved that y^e prayer be granted and the said Jonathan Woods is hereby impowred to sell all said real estate for the most it will fetch, and make and execute a good deed or deeds of the same to the purchaser or purchasers; he observing the rules in y^e law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Worcester that the proceeds of the said sale shall be disposed of according to law. [*Passed April 20.*]

Mass.
Archives,
ccxviii., 99.

CHAPTER 973.

RESOLVE ON THE PETITION OF ABNER LYMAN AND JONATHAN POMROY.

ON THE PETITION of Serjeant Abner Lyman and Jonathan Pomroy, soldiers in the Continental Army in the year Seventeen hundred and seventy five, in Captain Hanchet's company, under the command of General Arnold, from Cambridge to Quebeck, five months and six days, praying they may be allowed for said service. Therefore

Legislative
Records of the
Council,
xxxviii., 463.

Resolved that the Treasurer of this State be, and hereby is directed to pay to Elijah Hunt Esq^r, the sum of Twenty-two pounds, seventeen shillings and six pence, to be by him paid to the petitioners, in full for their services mentioned in said Petition, said sum to be charged to the Continent. [*Passed April 20.*]

¹ This date is April 18 according to Legislative Records of the Council.

CHAPTER 974.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE ALL PUBLIC RECORDS, VERIFY ACCOUNTS, ETC.

Legislative
Records of the
Council,
xxxviii., 463.
Mass.
Archives,
ccxviii., 135.

Mass.
Archives,
ccxviii., 30.
Legislative
Records of the
Council,
xxxviii., 419.

THE COMMITTEE of both Houses appointed to draft Instructions to the Committee for stating Accounts, beg leave to report by way of Resolve the following Instructions, which is Submitted

BENJ AUSTIN p order

Whereas Mess^{rs} William Bant, John Deming & Peter Boyer, have been appointed by the General Court to methodize & state Accounts & make proper charges of all monies ordered to be paid by this State out of the publick Treasury, and of all articles ordered to be delivered from the publick stores, or otherwise received, to such person or persons in whose favor such orders were given or who received the same:

Resolved that they be & hereby are impowered & directed to examine & inspect the Journals of the late Provincial Congress, with the accounts of the Committee of Safety & Supplies; and also the records & files of the General Court, with the Minutes & files of the Hon^{ble} Council; and all accounts & vouchers of the Board of War & the Commissary General; and they are further impowered & directed to call upon all Committees of the General Court & others, to whom any publick stores or monies have been committed, to settle & adjust the same, that so the true state of all publick accounts within this State may be ascertained.

Resolved that the Committee aforesaid take special care to examine the foregoing records & papers, & therefrom to charge all orders given for the delivery of publick stores and all warrants drawn on the Treasurer of this State for monies paid, whether they be Continental, State, Counties, Towns or individual persons.

Resolved that the Committee aforesaid be & they are hereby directed to keep fair and particular entries in their books to whom such publick stores & monies were delivered & paid, and to collect & keep on proper files all vouchers to such entries or charges. And that they may be enabled to proceed upon the business aforesaid, they are to provide proper books & such assistance as they may think necessary, and to report their proceedings & lay such books of accounts from time to time before the General Court.

In the House of Representatives

Read & pass^d

In Council

Read & Concurred. [*Passed April 20.*]

CHAPTER 975.

RESOLVE APPOINTING SUPERINTENDENTS FOR THE SEVERAL COUNTIES.

Legislative
Records of the
Council,
xxxviii., 464.
Mass.
Archives,
ccxviii., 109.

Resolved That the following persons be and hereby are appointed as Superintendents in the Counties hereafter respectively mentioned, to receive and send forward the men that may be raised agreeably to a Resolve passed this day, wherein their duty is particularly expressed, viz.

Suffolk	.	.	.	.	.	.	.	Maj ^r Stephen Badlam.
Essex	.	.	.	.	.	.	.	Hon. Michael Farley Esq.
Middlesex	.	.	.	.	.	.	.	Elezar Brooks Esq.
Hampshire	.	.	.	.	.	.	.	Noah Goodman Esq.

Plymouth	Maj ^r David Tilden.
Barnstable	Coll Enoch Hallet.
Bristol	Maj ^r James Williams.
York	John Frost Esq.
Worcester	Maj ^r Seth Washburn.
Cumberland	Maj ^r James Johnson.
Lincoln	Coll Samuel McCobb.
Berkshire	Capt Isaac Marsh.

[*Passed April 20.*]

CHAPTER 976.

RESOLVE DIRECTING THE SUPERINTENDENTS TO APPREHEND DELINQUENT SOLDIERS AND SEND THEM FORWARD TO CAMP.

WHEREAS it has been represented to this Court that a number of men, who have inlisted into the Continental Army as part of this State's quota thereof, and others who have been drafted to serve therein for eight months, have not yet marched to join said army; and that there are some who have come within this State on furlough, whose furloughs are expired, & others who have come without furloughs:

Legislative
Records of the
Council,
xxxviii., 465.
Mass.
Archives,
ccxviii., 134.

Resolved that the several Superintendents, who are or may be appointed agreeably to a Resolve of Court passed this day, be & hereby are directed immediately on information thereof, to cause such persons in their respective Counties to be apprehended and sent forward to the camp at Fish Kill, in the same manner as they are directed to send such persons as may be drafted or enlisted agreeably to said Resolve.

And the Militia officers of the several Towns, and where there are no such officers, the Selectmen & the Committee of the several Plantations within this State, are hereby directed to make enquiry for, & give information of, all such persons in their respective Towns to the Superintendent in the County wherein such Town or Plantation is. [*Passed April 20.*]

CHAPTER 977.

RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS IN HAMPSHIRE COUNTY.

WHEREAS application has been made by Samuel Mather and Eleazar Porter Esq^s, two of the principal Justices of the Peace in the County of Hampshire, that the Court of General Sessions of the Peace and the Inferior Court of Common Pleas for said County of Hampshire, which by law is to be held in the Town of Springfield in said County, on the third Tuesday of May next, may be holden in the Town of Northampton in said County, on the said third Tuesday of May next as the Small Pox is now in several places in said Town of Springfield:

Legislative
Records of the
Council,
xxxviii., 465.
Mass.
Archives,
ccxviii., 132.
Mass.
Archives,
ccxviii., 133.

Therefore

Resolved that the Court of General Sessions of the Peace and the Inferiour Court of Common Pleas for said County of Hampshire, which by law is to be held at Springfield in said County on the third Tuesday of May next, be holden at Northampton in said County of Hampshire on said third Tuesday of May next; and that all writts, processes and recognizances returnable to, and all appeals made to the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, appointed by law to be

holden at Springfield; and all matters, causes and things that have day, or that might have been had, moved or done at, in or by the said Courts at the Town of Springfield so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done att, in and by the said Courts, at the time & Town hereby appointed for holding the same, any thing in the law to the contrary notwithstanding. [*Passed April 20.*]

CHAPTER 978.

RESOLVE ALLOWING £267 TO CAPT. STEPHEN SMITH, MUSTER MASTER.

Legislative
Records of the
Council,
xxxviii., 467.
Mass.
Archives,
ccxviii., 137.

ON THE PETITION of George Stilman, in behalf of Cap^t Stephen Smith, who was appointed Muster Master for the County of Lincoln in this State, praying allowance for cash he has paid in bounties to non-commissioned officers & soldiers, who engaged in the expedition against S^t John's.

Mass.
Archives,
ccxviii., 138-
147.

Resolved that there be paid out of the publick Treasury of this State to Cap^t Stephen Smith, the sum of Two hundred & sixty-seven pounds, in full discharge of all demands said Smith hath against this State for money paid by him as bounties to non-commissioned officers and soldiers, who engaged in the expedition against S^t John's.

And that the Board of War be directed to settle accounts with Cap^t Smith as Commissary & Truck Master. [*Passed April 21.*]

CHAPTER 979.

RESOLVE ON THE PETITION OF JOSEPH M^cLALLEN.

Legislative
Records of the
Council,
xxxviii., 467.

ON THE PETITION of Joseph M^cLallen of Falmouth in the County of Cumberland, praying for an allowance for mending his chaise that was broken by the Indians, under the directions of Capt. John Lane.

Resolved that there be paid out of the Treasury of this State unto Joseph M^cLallen, the sum of Seven pounds in full of his account for mending said chaise. [*Passed April 21.*]

CHAPTER 980.

RESOLVE ON THE PETITION OF BENJAMIN PENFIELD AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 468.
Mass.
Archives,
ccxviii., 149.

ON THE PETITION of Benjamin Penfield, in behalf of himself and Isaiah Higgins, Zoheth Higgins, John Hopkins, Josiah Linnel and Cushing Horton, seamen on board the late Brigantine Independence & taken by the enemy while in the service of this State, praying for payment of their wages due to the time of their returning home.

Mass.
Archives,
ccxviii., 150.

Resolved that there be allowed and paid out of the publick Treasury of this State to Benjamin Penfield, late boatswain of the Brigantine Independence, the sum of Twenty-five pounds, twelve shillings and four pence; also to Isaiah Higgins, Cushing Horton, Zoheth Higgins, John Hopkins and Josiah Linnel, late seamen on

board said Brigantine, to each of them, the sum of Fifteen pounds, fifteen shillings and four pence, in full for their several wages due for service on board said Brigantine & during the time of their being prisoners with the enemy from the 5th of July to the 22^d January last. [*Passed April 21.*]

CHAPTER 981.

RESOLVE DIRECTING THE BOARD OF WAR TO BUILD A 20 GUN SHIP.

THE COMMITTEE of both Houses, who were directed to consider the propriety of the Board of War's proceeding to build Armed Vessells, take leave to Report the following Resolve, which is Submitted

R. DERBY Jun^r p Order

Legislative
Records of the
Council,
xxxviii., 469.
Mass.
Archives,
ccxviii., 161.

Resolved that the Board of War be & they hereby are directed immediately, to employ some suitable person or persons, to build for the service of this State one Ship to mount twenty guns on one deck, taking especial care to procure the most approved plan from some able ship wright, or other person well acquainted with such business, & to have the said Ship compleated and fix'd for sea as soon as may be, giving timely notice to this Court, that they may appoint some suitable person seasonably to take the command of her.

Mass.
Archives,
ccxviii., 162.

In Council

Read & Accepted

In the House of Representatives

Read & concurred. [*Passed April 21.*]

CHAPTER 982.

RESOLVE ON THE PETITION OF PIERRE GOURREGE.

ON THE PETITION of Pierre Gourrage, an inhabitant of France, setting forth that he arrived at Boston December last with a valuable cargo of Salt, Blankets, Military stores, coarse Linnens & Woollens &c, and that he had disposed of all his cargo excepting the following articles, Viz. 16 pieces coarse Linnens, 30 pieces of Cambrick, 18 pieces of striped Indias, 72 dozen of Handkerchiefs, 16 pieces of Bed Tick, 48 dozen coarse small Hose, about 60 pieces of French striped & checkered Cottons, 3 dozen of silk Hose, 1 piece of Satinet, 13 casks of Claret, 4 or 5 packages of Medicine & one chest Hyson Tea, and that he, the s^d Gourrage, is determined to return to France again immediately and praying for leave to dispose of the above said articles at publick vendue.

Legislative
Records of the
Council,
xxxviii., 470.
Mass.
Archives,
ccxviii., 159.

Mass.
Archives,
ccxviii., 160.

Resolved that the prayer of the Petition be granted and that the abovesaid Gourrage have leave to sell the aforesaid articles and no more at publick auction, any thing in the law to the contrary notwithstanding. [*Passed April 21.*]

CHAPTER 983.

RESOLVE DIRECTING THE BOARD OF WAR TO PROCURE ACCOUTREMENTS, ETC., FOR THE SOLDIERS IN THE CONTINENTAL ARMY.

Legislative
Records of the
Council,
xxxviii., 470.
Mass.
Archives,
ccxviii., 158.

Mass.
Archives,
ccxcix., 64, 66.

THE COMMITTEE of both Houses appointed upon General Gates' letter and the Resolves of Congress, which accompanied said letter, have considered the same, and are of opinion that this Court have already taken every necessary measure for raising their quota of men for the Continental Army, and that any further Resolve on that head is at present unnecessary. Your Committee apprehend that the procuring a number of accoutrements for y^e soldiers in the Continental Army, agreeable to the Resolve of Congress will be of general utility: Therefore begg leave to report the following Resolution, which is

Humbly Submitted

MOSES GILL p^r ord^r

Resolved that the Board of War in this State be and hereby are directed, agreeable to a Resolve of Congress of the 19th of March to procure with all possible despatch as many compleat setts of accoutrements and spare bayonet sheaths, as shall be sufficient for the respective quota of troops of this State into the Continental Army, and that as many of the cartridge boxes as possible be made of tin and agreeable to the description given in General Gates' letter of the 28th March last.

In Council

Read & Accepted

In the House of Representatives

Read & Concurred. [*Passed April 21.*]

CHAPTER 984.

RESOLVE ON THE PETITION OF COL. DAVID HENLEY.

Legislative
Records of the
Council,
xxxviii., 471.
Mass.
Archives,
ccxviii., 157.

Mass.
Archives,
ccxviii., 156.

ON THE PETITION of Col^o David Henley, praying that the Committee of Correspondence &c. of the Town of Cambridge, may be empowered to sell him a phaeton now under their care, and late the property of John Borland Esq^r, Absentee, for the full value thereof:

Resolved that the said Committee be & they hereby are empowered to sell to the s^d Col^o Henley the phaeton before mentioned for the full value thereof; & the s^d Committee are hereby directed to receive the same & pay it into the hands of the Treasurer of this State, taking two receipts therefor, one of which to be lodged in the Secretary's Office. [*Passed April 21.*]

CHAPTER 985.

RESOLVE ON THE PETITION OF JOSEPH CHADWICK.

Legislative
Records of the
Council,
xxxviii., 472.
Mass.
Archives,
clxxiv., 23.

Mass.
Archives,
clxxiv., 22.

ON THE PETITION of Joseph Chadwick, praying allowance for his time & trouble in protracting a plan of the inland from Penobscot to Quebec.

Resolved that there be paid out of the Treasury of this State to the said Joseph Chadwick, the sum of Thirty pounds in full for said service. [*Passed April 21.*]

CHAPTER 986.

RESOLVE ESTABLISHING PAY OF COMMITTEE ON ACCOUNTS AND
COMMITTEE ON MUSTER ROLLS.

IN CONSIDERATION of the extraordinary and faithfull services of the Committee on Accounts and the Committee on Muster Rolls: Legislative
Records of the
Council,
xxxviii., 472.
Mass.
Archives,
ccxviii., 154.

Resolved that there be allowed and paid out of the publick Treasury of this State to each of the members of the aforesaid Committees, the sum of Three shillings in addition to their pay as members of this Court, for each and every day's service on either of the said Committees during the present year, and the Council are hereby requested to allow their accounts therefor and draw warrants on the Treasury accordingly. [*Passed April 21.*]

CHAPTER 987.

RESOLVE ON THE PETITION OF KATHERINE HAY.

UPON THE PETITION of Katherine Hay, praying liberty to go to her husband at New York &c. Legislative
Records of the
Council,
xxxviii., 472.
Mass.
Archives,
ccxviii., 153.

Resolved that Katherine Hay be & hereby is permitted to go to her husband at New York the first convenient opportunity, provided she carry no letters or other papers without first submitting them to y^e inspection of the Board of War. [*Passed April 21.*]

CHAPTER 988.

RESOLVE ON THE PETITION OF BRIG. GEN. JONATHAN WARNER.

ON THE MEMORIAL of Brigadier Warner, shewing that the detachment under his command, who marched to reinforce General Gates in the Northern department in the month of August last, have not received any part of their wages and but a small part of their rations & praying for relief in behalf of the said detachment. Legislative
Records of the
Council,
xxxviii., 473.
Mass.
Archives,
ccxviii., 151.

Resolved that the Prayer of the said Petition be granted, and that there be paid out of the publick Treasury of this State to the several officers and men who served in the afores^d detachment, agreeable to the establishment that then subsisted for the support and pay of the Continental Army. And the several officers who served are directed to make up their pay rolls agreeable to s^d establishment & lay them before the Committee on Pay Rolls for examination & allowance properly authenticated on oath. [*Passed April 21.*]

CHAPTER 989.

RESOLVE DIRECTING THE COMPLETION OF THE WORKS AT CASTLE
ISLAND AND GOVERNOR'S ISLAND.

WHEREAS it appears to be necessary for our security and defence that the works at Castle Island and Governor's Island should be compleated as soon as may be: Therefore Legislative
Records of the
Council,
xxxviii., 473.

Resolved that the Committee of Fortification be and hereby are

impowered and directed to cause the works at Castle Island and Governor's Island to be compleatly finished without delay, agreeable to the mode pointed out in the report of the Engineers, Colonels Gridley and Burbeck. It is further

Resolved that said Committee be and hereby are directed and impowered to hire a number of labourers, not exceeding One hundred, to cutt sods &c for carrying on said works. And that the Council be and hereby are desired to issue out their orders immediately after the fifteenth day of May next, for the draughting Three hundred men, including officers, from such Brigades as they shall judge best, to serve four months, if not sooner discharged, for the purpose of carrying on and compleating the works aforesaid; said men to have the same pay and rations as the men draughted for guards to the Troops of the Convention. And the Council are hereby impowered to furnish the Committee of Fortification aforesaid from time to time with a sum of money not exceeding two ¹ pounds in the whole to compleat the works.

Resolved that said Committee of Fortification be and they hereby are directed to remove from the fortifications at Hull all the cannon except two Nine Pounders in the Fort and two Forty-two Pounders in each of the Batteries, together with the stores and barracks now there, to such places as the publick service may require, and that your Committee be directed to apply to General Heath for all the assistance from the guards now on duty in and about Boston that the general service will admit of. [*Passed April 23.*]

CHAPTER 990.

RESOLVE MAKING ALLOWANCES TO THE DELEGATES IN CONGRESS.

Legislative
Records of the
Council, 474.
Mass.
Archives,
ccxviii., 166.

Resolved that there be advanced & paid out of the publick Treasury of this State to the Hon^{ble} John Hancock, the Hon^{ble} Sam^{ll} Adams, the Hon^{ble} Rob^t Treat Paine and the Hon^{ble} Sam^{ll} Holton Esq^{rs}, who have been chosen to represent this State in the Hon^{ble} Continental Congress, the sum of Three hundred pounds each. And it is further

Resolved that the Hon^{ble} John Hancock Esq^r, be requested to furnish the Delegates of this State with such sums of money as they may have occasion for, out of the money belonging to this State & now in the Continental Treasury, they to be accountable to this Court for the several sums they may respectively receive. [*Passed April 23.*]

CHAPTER 991.

RESOLVE IMPOWERING JOSEPH HOW, GUARDIAN, TO SELL REAL ESTATE.

Legislative
Records of the
Council, 475.
Mass.
Archives,
ccxviii., 216.

ON THE PETITION of Joseph How of Boston, Guardian of Elizabeth Gilman, widow, a person non compos, praying that he may be impowered to sell the land of the said Elizabeth.

Resolved that the prayer of the Petition be granted and the said Joseph How is hereby impowered to make sale of the land of the said Elizabeth for the most it will fetch, and to make and execute a good deed or deeds of the same to the purchaser or purchasers;

¹ Amount omitted in original document.

Mass.
Archives,
ccxviii., 217,
218.

he observing the rules of the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Suffolk that the proceeds arising by said sale be disposed of for the support of the said Elizabeth during her natural life, the remainder, if any there be, to be disposed of agreeable to y^e law in such cases provided. [*Passed April 23.*]

CHAPTER 992.

RESOLVE IMPOWERING THOMAS NICKOLS TO SELL CERTAIN REAL ESTATE.

ON THE PETITION of Thomas Nickols of Grafton in the County of Worcester, praying for liberty to sell the land in Grafton aforesaid as sett forth in said Petition.

Resolved that the prayer of the Petition be granted and that the said Thomas Nickols be and hereby is empowered to make sale of the real estate mentioned in said Petition for the most the same will fetch (he being under the inspection of the Guardians of the Indians in said Grafton), and to make and execute a deed or deeds to the purchaser or purchasers for the same, the said Guardians giving their approbation thereof. [*Passed April 23.*]

Legislative
Records of the
Council,
xxxviii., 475.
Mass.
Archives,
cxcviii., 219.

Mass.
Archives,
cxcviii., 220.
Legislative
Records of the
Council,
xxxviii., 509.

CHAPTER 993.

RESOLVE ON THE PETITION OF INHABITANTS OF CHESTERFIELD GORE.

ON THE PETITION of a number of the inhabitants lying on a Gore of land near Chesterfield in the County of Hampshire, setting forth that they are unjustly taxed and praying for relief as set forth in their Petition.

Resolved that the prayer of the Petition be granted and that Benj^a Mills Esq^r of Chesterfield, be & he hereby is directed to issue his warrant to some principal inhabitant of said Gore to call a meeting of said inhabitants to choose a clerk & a committee therefor for one year & untill others shall be chosen in their room, which committee shall take a valuation of all estates in said Gore & make return thereof into the Secretary's Office, agreeable to an Act lately passed for taking a general valuation. Also to choose assessors & a constable or collector to collect the rates that may be set on said Gore, and the clerk when chosen shall be under oath to keep fair entries of all votes passed by the inhabitants of said Gore; and the clerk for the time being is hereby authorized to administer proper oaths to the assessors & constable or collector, and the committee are to issue their warrant to the constable or collector of said Gore to call future meetings for the choice of proper officers and to do and transact any other business that may properly come before the inhabitants of said Gore, and the Town of Chesterfield are hereby ordered to desist from taxing the inhabitants of said Gore any further except these already granted. [*Passed April 23.*]

Legislative
Records of the
Council,
xxxviii., 475.
Mass.
Archives,
cxcviii., 221.

Mass.
Archives,
cxcviii., 222-
224.

CHAPTER 994.

RESOLVE ON THE PETITION OF RACHEL LEHAR.

Legislative
Records of the
Council,
xxxviii., 476.
Mass.
Archives,
ccxviii., 214.
Mass.
Archives,
ccxviii., 215.

UPON THE PETITION of Rachel Lehar, praying liberty to go to her sister at New York &c.

Resolved that Rachel Lehar have liberty to go to the city of New York at her own expence, & the Board of War are directed to order that she be properly searched & that no letters or other papers be carried by her. [*Passed April 23.*]

CHAPTER 995.

RESOLVE IMPOWERING HANNAH MARSH, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 476.
Mass.
Archives,
ccxviii., 212.
Mass.
Archives,
ccxviii., 213.

ON THE PETITION of Hannah Marsh, Administratrix on the estate of her late husband Thomas Marsh of Douglas deceased, with the children of said deceased, praying to have the real estate sold as mentioned in said Petition.

Resolved that the prayer of said Petition be granted and that the said Hannah Marsh, in her said Capacity, be and hereby is impowered to make sale of the real estate mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers; she observing the rules in the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate of the County of Worcester that the proceeds of said sale be disposed of according to law. [*Passed April 23.*]

CHAPTER 996.

RESOLVE IMPOWERING REBECKAH KEITH, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 477.
Mass.
Archives,
ccxviii., 209.
Mass.
Archives,
ccxviii., 210,
211.

ON THE PETITION of Rebeckah Keith, praying to have the real estate of her late husband Simeon Keith deceased, sold for the reasons sett forth in said Petition.

Resolved that the prayer of said Petition be granted & that the said Rebeckah Keith Administratrix on the estate aforesaid, be and is hereby impowered to make sale of the real estate mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds in the law to the purchaser or purchasers; she observing the rules in the law for the sale of real estates by executors and Administrators, and giving bond to the Judge of Probate for the County of Worcester that the proceeds of said sale be disposed of according to law. [*Passed April 23.*]

CHAPTER 997.

RESOLVE IMPOWERING DAVID JONES, GUARDIAN, TO SELL REAL ESTATE.

ON THE PETITION of David Jones, Guardian to Ezekiel Goddard Dodge, praying to have liberty to sell the real estate mentioned in said Petition for the reasons therein sett forth.

Resolved that the Prayer of the Petition be granted and that the said David Jones in his said capacity, be and is hereby empowered to make sale of the real estate mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers; he observing the rules in the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Plymouth that the proceeds thereof be disposed of according to law, and that he be empowered to appropriate so much of the proceeds of the sale as may be necessary for his education at school & college. [*Passed April 23.*]

Legislative
Records of the
Council,
xxxviii., 477.
Mass.
Archives,
ccxviii., 207.
Mass.
Archives,
ccxviii., 208.

CHAPTER 998.

RESOLVE DIRECTING PEREZ MORTON TO BRING FORWARD A PROCESS ON THE BOND GIVEN BY SAMUEL TARBELL.

WHEREAS Samuel Tarbell of Groton in the County of Middlesex, husbandman, on the fourth day of December last by his bond became bound & obliged unto the government & people of this State, in the penal sum of Two thousand pounds, conditioned that the said Samuel Tarbell shall well & truly from time to time during the several sessions of the Superior Court of Judicature, &c. in any and all the Counties within said State; & during the several sessions of the Superior Court of Judicature, &c. within & for the several Counties within the State of New Hampshire; & personally appear & attend all and every of the said Courts & give evidence in behalf of the government & people of either of said States: but the said Tarbell has nevertheless absconded & failed of appearance agreeable to the conditions mentioned in the bond aforesaid, and there is great danger of his disposing of the whole of his estate and the publick thereby be defrauded. And whereas the Hon^{ble} Robert Treat Paine Esq^r, Attorney General to this State, being necessarily absent attending the Superior Court: Therefore

Resolved that Perez Morton, Attorney at Law, be and hereby is empowered & directed to bring forward a process upon the bond given by said Tarbell on the fourth day of December last, in behalf of the government & people of the State of Massachusetts Bay, & pursue the same to final judgment & execution, any law or custom to the contrary notwithstanding. [*Passed April 23.*]

Legislative
Records of the
Council,
xxxviii., 478.
Mass.
Archives,
ccxviii., 206.

CHAPTER 999.

RESOLVE IMPOWERING SEVEN OF THE COUNCIL TO ISSUE AND SIGN WARRANTS, ETC.

Legislative
Records of the
Council,
xxxviii., 478.
Mass.
Archives,
ccxviii., 205.

Whereas by the prevalence of the Small Pox in the Town of Boston & several Towns adjacent, several of the members of the Hon^{ble} Council are prevented from attending the Board, and from the necessary absence of others it is extremely difficult to obtain a major part of the Council to sign warrants &c, which occasions great delay in the publick business and much expence to such persons who have business to transact with the General Court:

Therefore

Resolved that until the twenty eighth day of May next any seven of the Council be, and hereby are impowered to issue & sign warrants on the publick Treasury and allso all Acts, Resolves & Orders passed by the two Houses; and all such warrants on the Treasury and any other thing transacted by seven of said Council, be & hereby is declared to all intents & purposes as valid as if the same had been signed by fifteen of the Council, until the twenty-eighth day of May aforesaid. [*Passed April 23.*]

CHAPTER 1000.

RESOLVE ALLOWING TOWNS AND PLANTATIONS £30 FOR EACH MAN RAISED AGREEABLE TO RESOLVE OF APRIL 20, 1778.

Legislative
Records of the
Council,
xxxviii., 479.
Mass.
Archives,
ccxviii., 167.

WHEREAS by a Resolve of the General Court of the twentieth day of this instant April, the several Towns in this State are ordered to raise 2,000 men to reinforce the Continental Army under certain penalties, but no provision is made therein of any encouragement to the several Towns who may raise their quota of said men, for remedy whereof:

Resolved that each Town & Plantation in this State shall be allowed Thirty pounds for each man they shall raise for that purpose on or before the twentieth day of May next, which said sum shall be deducted out of the next State Tax to be put on said Town or Plantation.

Ordered that this Resolve be printed with the Resolve above mentioned. [*Passed April 23.*]

CHAPTER 1001.

RESOLVE ALLOWING £40 TO THE CHAPLAIN TO THE GENERAL COURT.

Legislative
Records of the
Council,
xxxviii., 479.
Mass.
Archives,
ccxviii., 165.

Resolved that there be allowed & paid out of the Treasury of this State to the Rev^d Sam^l Cooper, Forty pounds for his services as Chaplain to the two Houses of Assembly for the term of one year ending the first day of May next. [*Passed April 23.*]

CHAPTER 1002.

RESOLVE ALLOWING £417. 8^s 8^d TO TREASURER OF HARVARD COLLEGE.

Resolved that there be allowed and paid out of the Treasury of this State to Ebenezer Storer Esq^r, Treasurer of Harvard College, the sum of Four hundred seventeen pounds, eight shillings and eight pence, for the purpose of repairing the damages sustained by said College whilst the American army was stationed at Cambridge, and for sundry articles of kitchen utensils and College stores carried away and not replaced, and for divers disbursements as per accounts exhibited by the Rev^d Samuel Langdon, President of said College, and Jonathan Hastings Esq^r, College Steward. [*Passed April 23.*]

Legislative
Records of the
Council,
xxxviii., 480.

CHAPTER 1003.

RESOLVE ALLOWING £50 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

Resolved that there be allowed & paid out of the Treasury of this State the sum of Fifty pounds to Stephen Sewell, Hancock Professor of the Hebrew & other Oriental Languages at Harvard College, in addition to the sum already allowed him by this Court for his services for the year 1777, in consideration of the high prices of provisions & other necessaries of life. [*Passed April 23.*]

Legislative
Records of the
Council,
xxxviii., 480.
Mass.
Archives,
ccxviii., 163.
Mass.
Archives,
ccxviii., 164.

CHAPTER 1004.

RESOLVE ON THE PETITION OF INHABITANTS OF RAYMOND-TOWN.

ON A PETITION of a number of inhabitants of a place called Raymond-Town in the County of Cumberland, praying for an abatement of the publick taxes assessed on them by the assessors of the Town of Windham for the years 1776 and 1777, for reasons set forth in said Petition.

Resolved that the prayer of said Petition be granted and that the assessors of said Windham be, and they hereby are ordered and directed to abate all the publick taxes they have, or shall have levied or assessed on the polls and estates of the said inhabitants for the years 1776 and 1777; Provided, nevertheless, that nothing in this Resolve shall be construed to extend to make any abatement in the taxes imposed on the said Town of Windham by the General Court. [*Passed April 24.*]

Legislative
Records of the
Council,
xxxviii., 480.
Mass.
Archives,
ccxviii., 226.

Mass.
Archives,
ccxviii., 227.

CHAPTER 1005.

RESOLVE IMPOWERING SAMUEL PARK AND MIRIAM JOHNSON, ADMINISTRATORS, TO SELL REAL ESTATE.

ON THE PETITION and Memorial of Samuel Park and Miriam Johnson, Administrators to the estate of Abner Johnson, late of Holliston in the County of Middlesex.

Resolved that the prayer of said Petition be granted and that the

Legislative
Records of the
Council,
xxxviii., 481.

Mass.
Archives,
ccxviii., 230.

Mass.
Archives,
ccxviii., 231-
232.

said Samuel Park and Miriam Johnson in their said capacity, be and hereby are empowered to make sale of the real estate mentioned in said Petition for the most the same will fetch, and make and execute a good deed or deeds in law to the purchaser or purchasers; they observing the rules in the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Middlesex that the proceeds of said sale be disposed of according to law. [*Passed April 24.*]

CHAPTER 1006.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative
Records of the
Council,
xxxviii., 481.
Mass.
Archives,
ccxviii., 233.

WHEREAS it appears upon examination of the County Treasurer's account for the County of Essex, that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the year 1777 were for such purposes and appropriations as the law empowered the said Court to grant: Therefore

Resolved that the said account be allowed. [*Passed April 24.*]

CHAPTER 1007.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative
Records of the
Council,
xxxviii., 482.
Mass.
Archives,
ccxviii., 234.

WHEREAS it appears upon examination of the County Treasurer's account for the County of Middlesex, that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the year 1777 were for such purposes and appropriations as the law empowered the said Court to grant: Therefore

Resolved that the said account be allowed. [*Passed April 24.*]

CHAPTER 1008.

RESOLVE RESPECTING THE ATTENDANCE OF THE DELEGATES IN CONGRESS.

Legislative
Records of the
Council,
xxxviii., 482.
Mass.
Archives,
ccxviii., 236.

Mass.
Archives,
ccxix., 67;
ccxviii., 235.

THE COMMITTEE of both Houses, upon the letters of the Hon. Elbridge Gerry & Francis Dana Esq^r, are of an opinion that the present situation of our public affairs require that the State should not only be fully represented in Congress, but that all its members ought to be present at the determination of any important question that may soon come before Congress and the following Resolution is Humbly submitted.

MOSES GILL *per* order

Whereas the present situation of our public affairs requires that this State should not only be fully represented in Congress, but that all its members ought to be present at the determination of any important question that may soon come before Congress:

Resolved that it is the expectation of this Assembly that the

absent members of Congress from this State do as soon as possible proceed to York Town, in the state of Pennsylvania, and join the Congress for the purposes for which they were appointed.

In the House of Representatives

Read & passed

In Council

Read & Concurred. [*Passed April 24.*]

CHAPTER 1009.

RESOLVE GRANTING £238 TO THE CLERK OF THE HOUSE OF REPRESENTATIVES.

Resolved that there be allowed and paid out of the publick Treasury of this State to Samuel Freeman Esq^r, the sum of Two hundred and thirty eight pounds, which in addition to a former grant, is in full for his arduous, constant and satisfactory services as Clerk of the House of Representatives for one year from May 1777. [*Passed April 24.*]

Legislative
Records of the
Council,
xxxviii., 482.
Mass.
Archives,
ccxviii., 237.

CHAPTER 1010.

RESOLVE IMPOWERING THE BOARD OF WAR TO HIRE A SECRETARY AND CLERKS.

Resolved that the Board of War be & they hereby are impowered to hire a secretary, & such clerks & assistants as are necessary for carrying on the important business committed to them upon the best terms they can, any thing in their commission to the contrary notwithstanding. [*Passed April 24.*]

Legislative
Records of the
Council,
xxxviii., 484.
Mass.
Archives,
ccxviii., 238.

CHAPTER 1011.

RESOLVE ON THE PETITION OF SAMUEL ANGER.

ON THE PETITION of Samuel Anger of Framingham, who was wounded at White Plains in New York State, praying for some allowance for charges in his return home, and for some reasonable consideration for loss of time and expences for about seven months after his return home.

Legislative
Records of the
Council,
xxxviii., 484.

Resolved that there be paid out of the publick Treasury Twenty three pounds in full for his expences and loss of time. [*Passed April 25.*]

CHAPTER 1012.

RESOLVE ON THE PETITION OF JONATHAN ADAMS.

ON THE PETITION of Jonathan Adams of Framingham, who was wounded at Amboy in New Jersey, praying for some reasonable allowance for his expence and loss of time.

Legislative
Records of the
Council,
xxxviii., 485.

Resolved that there be paid out of the public Treasury Three pounds ten shillings to said Adams, in full for his expences and loss of time. [*Passed April 25.*]

CHAPTER 1013.

RESOLVE ON THE PETITION OF SAMUEL SAMSON.

Legislative
Records of the
Council,
xxxviii., 485.

ON THE PETITION of Samuel Samson of Kingston in the County of Plymouth, praying for an allowance for cost and charges in his sickness when a soldier at the Gurnet at the entrance of Plymouth Harbour in the year Seventeen hundred and seventy six, under the command of Capt. William Weston, there being no hospital or doctor provided for said soldiers.

Resolved that there be allowed and paid out of the Treasury of this State to Samuel Samson, the petitioner, the sum of Eleven pounds, one shilling, in full for his cost and charges he was at in his sickness as mentioned in the Petition. [*Passed April 25.*]

CHAPTER 1014.

APPOINTMENT OF JOSEPH WEBB AS 2^D MAJOR OF THE BOSTON REGIMENT.

Legislative
Records of the
Council,
xxxviii., 486.
Mass.
Archives,
cexviii., 239.

In the House of Representatives.

The House made choice by ballot of Joseph Webb as second Major of the Boston Regiment of Militia.

In Council

Read & Concurred. [*Passed April 25.*]

CHAPTER 1015.

RESOLVE IMPOWERING ALEXANDER SHEPARD, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 486.
Mass.
Archives,
cexviii., 240.

ON THE PETITION of Alexander Shepard of Newton in the County of Middlesex, Administrator on the estate of Thomas Miller late of said Newton, deceased, praying to have the real estate sold for the reasons therein mentioned.

Resolved that the prayer of said Petition be granted and that the said Alexander Shepard in his said capacity, be and he is hereby empowered to make sale of the real estate therein mentioned for the most the same will fetch, and to make and execute a good deed or deeds in the law to the purchaser or purchasers; he observing the rules in the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Middlesex, that the proceeds of said sale be applied to the payment of the debts and the remainder thereof be divided amongst the heirs according to law. [*Passed April 25.*]

CHAPTER 1016.

RESOLVE IMPOWERING ISAAC JONES TO ENTER AND PROSECUTE AN APPEAL.

Legislative
Records of the
Council,
xxxviii., 486.

ON THE PETITION of Isaac Jones, praying that he may be empowered to enter and prosecute at the Superior Court an appeal from the Court of Sessions of the Peace held in the County of Middlesex in May last.

Resolved that the Justices of the Superior Court be and they hereby are impowered and directed to permit the said Isaac Jones to enter and prosecute his appeal to the s^d Superior Court from the judgment of the Court of General Sessions of the Peace held in the said County of Middlesex; and that the same tryal and proceedings be had thereon as if the appeal had been made from a judgment in the Inferior Court of Common Pleas: provided the said Isaac Jones serve the committee mentioned in said Petition with an attested copy of the foregoing Petition & this Order thereon fourteen days, at least before the next sitting of the Superior Court within & for the County of Middlesex. [*Passed April 25.*]

Mass.
Archives,
ccxviii., 248.

Mass.
Archives,
ccxviii., 245-
256; ccxx., 82.

CHAPTER 1017.

RESOLVE IMPOWERING WILLIAM WATSON AND SUSANNAH WATSON, ADMINISTRATORS, TO SELL REAL ESTATE.

ON THE PETITION of William Watson and Susannah Watson, Administrators on the estate of William Watson, late of Brookfield in the County of Worcester deceased, praying to have the real estate of the deceased sold for the reasons sett forth in said Petition.

Resolved that the prayer of the Petition be granted & that the said William Watson and Susannah Watson in their said capacity, be and hereby are fully impowred to make sale of the real estate mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers; they observing the rules in the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Worcester, that the proceeds thereof be disposed of amongst the heirs according to law, reserving to the widow her right of dower. [*Passed April 25.*]

Legislative
Records of the
Council,
xxxviii., 487.
Mass.
Archives,
ccxviii., 257.

Mass.
Archives,
ccxviii., 258-
265.

CHAPTER 1018.

RESOLVE ALLOWING £409. 6^s 3^d TO HON^{BLE} SAM^L ADAMS, ESQ^R, DELEGATE IN CONGRESS.

Resolved that there be paid out of the Treasury of this State to the Hon^{ble} Sam^l Adams Esq^r, the sum of Four hundred & nine pounds, six shillings and three pence, in full discharge of his account for service & expences as a Member of Congress for this State from Octob^r 14th, 1776, to November 27th, 1777. [*Passed April 25.*]

Legislative
Records of the
Council,
xxxviii., 487.
Mass.
Archives,
ccxviii., 278.

Mass.
Archives,
ccxviii., 279-
286b.

CHAPTER 1019.

RESOLVE FOR SUPPLYING COL. JONATHAN LOWDER, TRUCK MASTER, WITH CORN.

ON A LETTER from Col. Josiah Brewer at Penobscot to Col. Jonathan Lowder, Truck-Master for the Penobscot Indians, representing the great want the s^d Indians are in of Corn.

Resolved that the Board of War be, and they hereby are directed to deliver to Col. Jonathan Lowder, Truck-Master for said Penobscot Indians, One hundred and fifty bushels of Corn for the use of the said Indians, he, the said Jonathan Lowder being accountable to this Court for the same. [*Passed April 25.*]

Legislative
Records of the
Council,
xxxviii., 487.
Mass.
Archives,
ccxviii., 266.

Mass.
Archives,
ccxviii., 267.

CHAPTER 1020.

RESOLVE IMPOWERING BETTY JONES, ADMINISTRATRIX, TO SELL
REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 488.
Mass.
Archives,
ccxviii., 268.

Mass.
Archives,
ccxviii., 269,
269½.

ON THE PETITION of Betty Jones of Princeton in the County of Worcester, Administratrix on the estate of her husband John Jones, late of Princeton aforesaid deceased, praying for liberty to sell the real estate of said deceased as sett forth in said Petition.

Resolved that the prayer of the Petition be granted and that the said Betty Jones be, and hereby is impowered in her said capacity, to make sale of the real estate mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds in law to the purchaser or purchasers; she observing the rules in the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Worcester that the proceeds of said sale be disposed of according to law. [*Passed April 25.*]

CHAPTER 1021.

RESOLVE IMPOWERING THE CONDUCTOR OF STORES OR HIS DEP-
UTIES TO IMPRESS TEAMS, ETC.

Legislative
Records of the
Council,
xxxviii., 490.
Mass.
Archives,
ccxviii., 270.

WHEREAS Mr John Goddard, Conductor of Stores, has represented to this Court that he has been put to great difficulty in procuring teams to transport such stores as have been procured for the soldiers raised in this State & now serving in the Continental Army.

Resolved that the said John Goddard & his Deputies, or either of them, be & hereby are impowered & directed (if they find it necessary), to apply to a Justice of the Peace or Selectmen in any Town in this State, who are hereby authorised & directed upon such application, to issue their warrants to a constable to impress as many teams, carriages and drivers, and all other necessities, as the said Conductor or his Deputies shall require to be employed for the benefit of this State or the Continent, for the space of Three months unless sooner discharged.

And the aforesaid Conductor or his Deputies are impowered and directed to make an adequate allowance for the services of the persons & carriages so impressed. [*Passed April 25.*]

CHAPTER 1022.

RESOLVE ON THE PETITION OF ADAM HENRY.

Legislative
Records of the
Council,
xxxviii., 492.
Mass.
Archives,
ccxviii., 271.

Mass.
Archives,
ccxviii., 272,
273.

ON THE PETITION of Adam Henry of Rutland in the County of Worcester, praying he may have a permit or licence to keep a public tavern or Innhold at the house in Rutland he has lately purchased near the barracks there &c.

Resolved that the prayer of the Petition be granted, and the said Adam Henry is hereby permitted to be an Innholder to keep a public tavern in the Town of Rutland in the County of Worcester, at his house near the public barracks, from the date hereof untill the next usual Court of Sessions for granting licences of public houses in the County of Worcester. [*Passed April 25.*]

CHAPTER 1023.

RESOLVE ON THE PETITION OF CAPT. EBENEZER BATTLE.

ON THE PETITION of Capt. Eben^r Battle, praying that the wages of Nathan Man, a soldier belonging to his company, for service done on Castle Island in 1776, whose name through mistake was omitted in his muster roll, might be granted: Therefore

Resolved that there be paid out of the public Treasury of this State to Capt. Ebenezer Battle, the sum of One pound twelve shillings, being the sum which he paid said Nathan Man. [*Passed April 25.*]

Legislative
Records of the
Council,
xxxviii., 492.
Mass.
Archives,
ccxviii., 276.
Mass.
Archives,
ccxviii., 276½,
277.

CHAPTER 1024.

RESOLVE IMPOWERING JOHN BOYNTON, ADMINISTRATOR, TO SELL REAL ESTATE.

ON THE PETITION of John Boynton of Winchendon in the County of Worcester, Administrator on the estate of his late brother Jedidiah Boynton, late of Royalston in said County deceased, praying for liberty to sell the real estate of said deceased for the reasons mentioned in said Petition.

Legislative
Records of the
Council,
xxxviii., 492.
Mass.
Archives,
ccxviii., 274.
Mass.
Archives,
ccxviii., 275.

Resolved that the prayer of the Petition be so far granted that the said John Boynton in his said capacity, be and he hereby is impowered to make sale of the real estate mentioned in said Petition for the most the same will fetch, and to make a good deed or deeds thereof to the purchaser or purchasers; he observing the rules in the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Worcester that the proceeds thereof be disposed of according to law. [*Passed April 25.*]

CHAPTER 1025.

RESOLVE ALLOWING £4. 8. 8 TO SAMUEL SAMSON, ADMINISTRATOR.

ON THE PETITION of Samuel Samson, as Administrator on the estate of John McLathlin, late of Kingston deceased, praying for an allowance for cost and charges in his the said John's sickness, when a soldier at the Gurnet at the entrance of Plymouth Harbour in the year Seventeen hundred and seventy six, under the command of Capt. William Weston, there being no hospital or doctor provided for said soldiers.

Legislative
Records of the
Council,
xxxviii., 485.

Resolved that there be allowed and paid out of the Treasury of this State to Samuel Samson the petitioner, in his said capacity, the sum of Four pounds, eight shillings and eight pence, in full for the cost and charges as set forth in said Petition. [*Passed April 25.*]

CHAPTER 1026.

RESOLVE ALLOWING £30 TO JEDEDIAH PHIPPS.

Legislative
Records of the
Council,
xxxviii., 493.
Mass.
Archives,
ccxviii., 287.

WHEREAS this House at the last session did on a Petition of Jedidiah Phipps pass a Resolve granting him the sum of Thirty pounds, in consideration of his service in making Salt Petre & communicating his art in the manufacture of that article, which Resolve was not concurred by the Council & is now mislaid:

Resolved that the said sum of Thirty pounds be paid out of the public Treasury to the said Jedidiah Phipps for the services aforesaid and the Resolve aforementioned is hereby declared to be of no effect. [*Passed April 27.*]

CHAPTER 1027.

RESOLVE ON THE PETITION OF MARY BADGER.

Legislative
Records of the
Council,
xxxviii., 493.
Mass.
Archives,
ccxviii., 295.

ON THE PETITION of Mary Badger of Boston, praying that she may have leave to go to her husband at New York, and that she may have liberty to carry a bed and plate & other necessaries for reasons set forth in said Petition.

Resolved that the prayer of said Petition be so far granted as that the said Mary Badger have leave to depart this State and go to her husband at New York, carrying with her such goods as may be necessary and as much money as the Committee of Correspondence of the Town of Boston shall judge necessary to bear her expences to New York and no more; the Committee of Correspondence of the said Town of Boston taking care that all papers she may have are properly inspected before her departure. [*Passed April 27.*]

CHAPTER 1028.

RESOLVE ON THE PETITION OF JOHN COFFIN JONES AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 494.
Mass.
Archives,
ccxviii., 291.

THE COMMITTEE of both Houses that were appointed to consider the Petition of John Coffin Jones & others, praying that a Resolve of y^e General Court passed the 13th of March last, empowering James Noble Shannon & Jonas Farnsworth to enter & prosecute an appeal from y^e Maritime Court in the Eastern District to y^e next Superiour Court for y^e County of York, have attended that service & heard the parties, and whereas it appears to y^e committee that s^d Resolve was passed upon a report of a committee upon an ex parte hearing, & in its consequences may prove prejudicial to some of the good people of this State; therefore begg leave to Report:

that s^d Resolve of the 13th of March last, passed in favour of James Noble Shannon and Jonas Farnsworth, be & hereby is repealed & made null & void, & the Superiour Court of Judicature & of this State & all parties concerned are to take notice of the same & govern themselves accordingly.

In Council

Read and accepted and thereupon

Resolved that the Resolve of this Court of the 13th of March last, passed in favor of James Noble Shannon and Jonas Farnsworth, be & hereby is repealed & made null & void, and the

Mass.
Archives,
ccxviii., 292-
291.

Superiour Court of Judicature of this State & all parties concerned are to take notice of the same & govern themselves accordingly.

In the House of Representatives
Read & Concurred. [*Passed April 27.*]

CHAPTER 1029.

RESOLVE ON THE PETITION OF SAMUEL PHILLIPS.

ON THE PETITION of Sam^l Phillips praying for an allowance for remanufacturing a quantity of Powder belonging to this State.

Resolved that there be allowed & paid to Sam^l Phillips, the sum of One shilling & four pence per pound for all the unmerchable Powder belonging to this State, which he shall remanufacture and render fit for use, on his producing a certificate from the Inspector of Powder appointed by this Court certifying that the said powder is merchantable & fit for use. [*Passed April 27.*]

Legislative
Records of the
Council,
xxxviii., 494.
Mass.
Archives,
ccxviii., 288.
Mass.
Archives,
ccxviii., 289,
290.

CHAPTER 1030.

LETTER TO CONGRESS RELATIVE TO REGULATION OF PRICES OF LABOUR, PRODUCE, ETC.

THE COMMITTEE of both Houses appointed to consider of a Regulating Bill have attended that service, and after deliberating upon the matter are humbly of opinion that as the people in general are so divided in their sentiments upon this subject, that it will be impracticable to carry such an Act into execution, & are apprehensive if it should be attempted would at present be attended with the most fatal consequences; beg leave therefore to report the annexed draft of a Letter to Congress giving the reasons that prevailed with the Assembly to refrain from passing such an Act, and further report that a copy of the same should be transmitted to the several States who sent Commissioners to New Haven in January last

OLIVER PRESCOTT p^r order

State of Massachusetts Bay

S^r

Roxbury Apr 27th 1778

The Gen^l Assembly of this State in persuance of a Resolution of Congress of y^e 22^d of Nov^r last appointed Commissioners to meet those which might be appointed by the States of New Hampshire, Rhode-Island, Connecticut, New York, New Jersies, Pennsylvania & Delaware, at New Haven on y^e 15th of January last, for y^e purpose of devising y^e most prudent & effectual measures for promoting those valuable purposes mentioned in s^d Resolve of Congress.

The Commissioners met accordingly & reported that it was expedient y^t Laws should be made Regulating the prices of Labour, Produce &c, and their proceedings have been laid before this Assembly, who were much divided in their Sentiments with Respect to the measures, many apprehending (from a Recent & unhappy experiment of a Regulating Act) that y^e carrying such an Act into execution was impracticable; however upon mature Deliberation (as it was Recommended by Congress), a Vote was obtained appointing a Committee to prepare a Bill for that purpose, but before the Committee could prepare & Report it, the small pox broke out in Boston and this Court obliged suddenly to rise.

Legislative
Records of the
Council,
xxxviii., 488-
490.
Mass.
Archives,
ccxviii., 297,
305, 306.
Mass.
Archives,
ccxviii., 298-
304.

The Consideration of this matter has been Reassumed y^e present session & a Bill reported; tho' the Assembly were not less divided than before, it is Still urged that if a Regulating Act should be attempted, y^t the effect would be so far from aiding y^e other measures proposed by Congress for giving Stability & value to the Continental Bills, that it would render those measures fruitless; for the possessors of goods would thereby be induced to part with them on no terms but those of Barter, & thereby the Circulation of the Bills being obstructed, they would become (in a great measure) useless in the Hands of the needy Possessor, who, having nothing else wherewith to purchase y^e necessaries of Life, would at least in a private manner offer any sum which he might suppose would tempt the possessor to part with his Corn, &c which the buyer needs; & further that these Objections are not built on mere Speculation but upon unfortunate experiment.

Should the mode pointed out by Congress for Reducing the Quantity of circulating money be punctually comply^d with in the several States (which we presume it will), it is conceived it will have a happy tendency to give Stability to y^e Currency & to Reduce y^e prices of Articles both of Produce & Merchandize. This Government has (agreeable to y^e Spirit of the Resolves of Congress) put a final Stop to the Currency of all y^e Bills emitted by this State, small Change Under a Dollar only excepted, & being fully apprised of y^e bad Consequences which would accrue by any further emissions of money, have levied a Tax of £300,000 L. M^y upon y^e people to be paid into the Treasury by y^e first Day of January 1778; & have since levied another Tax of about £250,000 L. M., to be paid in by the first of June next, & are determined to support the War by taxation as far as the Abilities of the People will admit.

These measures have already had some happy effect by lowering the price of imports, & had not the Troops of the Convention been Quartered in this State, it is presumed the price of our produce would have been reduced proportionably; upon the whole this Assembly & the people at Large were so much Divided on this question: the fixing y^e price of Produce, Labour &c, so as to give Satisfaction to the various parts of this State was very Difficult; but above all, the Danger of Obstructing the Circulation of the money and thereby reducing its value to such a Degree as greatly to affect the common Cause, was so exceeding great, & fearing least the evils which we feel should be increased instead of being removed by the measure, we have upon a full discussion & consideration of the Subject tho' proper to suspend passing such an Act for y^e present, & inform Congress of the motives which influenced us so to do; accordingly we have candidly & Justly Related in few words the mode of our Proceedings & the principal motives which have influenced us to suspend passing the Bill, which we submit to the Consideration of Congress & hope that if it should be their opinion that our Objections are not sufficient to suspend passing such an Act, that they will take the earliest opportunity to give us the information which will be immediately attended to by the Gen^l Assembly.

In Council

Read & Accepted & Ordered that the President of the Council be and he hereby is desired to sign said Letter and transmit the same to the Hon^l President of the Congress.

In the House of Representatives

Read & concurrd. [*Passed April 27.*]

CHAPTER 1031.

RESOLVE FOR DISCHARGING THE ACCOUNTS OF THE COMMITTEE
APPOINTED TO PURCHASE SULPHUR.

ON THE ACCOUNTS of Daniel Hopkins Esq^r, Stephen Cross Esq^r & Capt Daniel Vose, who were sometime ago appointed to purchase Sulphur for this State.

Resolved that the Hon^{ble} Daniel Hopkins Esq^r, be & he hereby is discharged of the sum of One hundred & forty three pounds twelve shillings; and that Stephen Cross Esq^r, be & he hereby is discharged of the sum of Three hundred and thirty-one pounds, fifteen shillings & eleven pence, and that the s^d Cross pay the sum of twelve shillings due to ballance his account, to the Hon^{ble} Dan^{ll} Hopkins Esq^r; and that Cap^t Dan^{ll} Vose be & he hereby is discharged of the sum of Three hundred & sixty-seven pounds, one shilling and nine pence, and that the s^d Vose be further accountable to this State for the sum of Seventy-nine pounds, thirteen shillings & 2½^d, resting in his hands to ballance his account.

Resolved that Rich^d Devens Esq^r, Commissary General of this State, be & he hereby is directed and impowered to take into his custody all the Sulphur purchased by the Hon^{ble} Daniel Hopkins Esq^r, & Stephen Cross Esq^r, that is not delivered to M^r Sam^{ll} Phillips of Andover, or to Cap^t Dan^{ll} Vose of Milton; and make proper charges in favor of the State, against the s^d Phillips & Vose for the Sulphur they have respectively received from the Com^{tee} afores^d; and the Secretary is hereby directed to make out necessary coppys of the several accounts of the said Com^{tee} to enable the Commissary to discharge the duty enjoined by this Resolve. [*Passed April 28*¹.

Legislative
Records of the
Council,
xxxviii., 491.
Mass.

Archives,
ccxviii., 318.

Mass.
Archives,
ccxviii., 320-
329½.

CHAPTER 1032.

RESOLVE ALLOWING £150 TO JOHN AVERY, DEPUTY SECRETARY.

Resolved that there be paid out of the publick Treasury to John Avery, Deputy Secretary of this State, the sum of One hundred and fifty pounds for his faithfull services in the office aforesaid, which, with a former grant of the same sum, making in the whole Three hundred pounds, being in full for said service for one whole year ending in May next. [*Passed April 28*.

Legislative
Records of the
Council,
xxxviii., 496.
Mass.

Archives,
ccxviii., 339.

CHAPTER 1033.

RESOLVE ON THE PETITION OF CAPT. PERRY HOWLAND.

ON THE PETITION of Capt. Perry Howland, praying that his wearing apparel &c. in the Schooner called the Two Brothers, & now in the possession of Cap^t George Deak, may be delivered him for reasons set forth in said Petition.

Resolved that the prayer of said Petition be granted and that the said George Deak be and hereby is directed to deliver to the said Perry Howland his chest & wearing apparel, taking his Receipt therefor. [*Passed April 28*.

Legislative
Records of the
Council,
xxxviii., 496.
Mass.

Archives,
ccxviii., 336.

Mass.
Archives,
ccxviii., 337.

¹ This date is April 25 according to Legislative Records of the Council.

CHAPTER 1034.

RESOLVE ON THE PETITION OF ZIPHION THAYER.

Legislative
Records of the
Council,
xxxviii., 496.
Mass.
Archives,
ccxviii., 330.

Mass.
Archives,
ccxviii., 331-
334.

ON THE PETITION of Ziphion Thayer, praying that the conduct of his brother Eben^r Thayer, relative to the Schooner called the Two Brothers, might be enquired into, and that the said Schooner, her cargo &c, may be tried upon the libel of John Dixey, for reasons set forth in said Petition.

Whereas the said Schooner was captured and carried into the Eastern District where she was first libelled by George Deak, commander of the fort at Casco Bay, as well in his own behalf as in behalf of this State; since which she has been removed by a special Order of this Court to the Middle District, and there libelled by John Dixey; and some doubts may arise which of said Districts is the proper place of tryal: therefore

Resolved that the Judge of the Maritime Court for the Middle District be and hereby is impowered and directed to proceed to the tryal of the Schooner called the Two Brothers upon the libel of John Dixey, and that the said George Deak be and hereby is also impowered to file his claim to the s^d Schooner, her cargo &c, in behalf of himself & of this State in the same Court, as well as all others concerned either as captors or claimants; and that they be allowed to give the same evidence as they by law might have done in case said Schooner had been tried in the Eastern District; and that the Judge of said Eastern District be and hereby is directed to dismiss the libel first mentioned, any law, usage or custom to the contrary notwithstanding. [*Passed April 28.*]

CHAPTER 1035.

RESOLVE ON THE PETITION OF WILLIAM BAKER.

Legislative
Records of the
Council,
xxxviii., 497.
Mass.
Archives,
ccxviii., 307.

ON THE PETITION of William Baker, praying that he may be provided with a suit of cloathes or relieved in some other way. Therefore

Resolved that the Board of War be and they hereby are directed to provide and deliver to M^r William Baker, a good full suit of cloathes for him, & also one for his brother Edward Baker of equal value, both w^{ch} suits, not to exceed the sum of One hundred pounds, to be at the public charge in addition to former grants, and as a further compensation for his faithfull services the year past. [*Passed April 28.*]

CHAPTER 1036.

RESOLVE ON THE PETITION OF SIMEON HOWARD AND WILLIAM CLARK.

Legislative
Records of the
Council,
xxxviii., 497.

WHEREAS there appears good evidence to this Court that Doct^r John Clark, now at Halifax, is of a friendly disposition to the American cause of liberty: therefore

Resolved that the Committee of Sequestration for the Town of Boston be and they are hereby directed to deliver up to the said

William Clark, all such estate of said John Clark's as said Committee may have taken into their hands by virtue of a Resolve of this Court of Feb^y 10th, 1778, and that they shall not take into their hands any of s^d estate till the further order of the General Court; said Resolve of the 10th of Feb^y, or any other Resolve of the General Court to the contrary notwithstanding. [*Passed April 28.*]

Mass.
Archives,
ccxviii., 309.

Mass.
Archives,
ccxviii., 310,
311.

CHAPTER 1037.

RESOLVE PERMITTING WILLIAM CLARK AND WIFE TO GO TO NOVA SCOTIA.

ON THE PETITION of William Clark, praying for liberty to leave this State with his wife and to take up their abode at Halifax.

Resolved that William Clark of Dedham & his wife, be and they hereby have leave to go to any part of Nova Scotia with such of their effects as they shall incline to take with them, and there take up their abode, any Resolve or Order of the General Court to the contrary notwithstanding. [*Passed April 28.*]

Legislative
Records of the
Council,
xxxviii., 498.
Mass.
Archives,
ccxviii., 308.

CHAPTER 1038.

VOTE ON REPORT OF COMMITTEE ALLOWING £400 TO ROBERT PIERPONT, LATE COMMISSARY OF PRISONERS.

THE COMMITTEE appointed to consider the service of Robert Pierpont, Esq, Commissary of Prisoners, reported a Resolve for paying him £200 for his service as Commissary for this State and £200 for his service as Commissary for Continental Prisoners.

In the House of Representatives

Read and accepted

In Council

Read and concurred. [*Passed April 28.*]

Legislative
Records of the
Council,
xxxviii., 498.
House Journal,
pp. 193,
243.

Mass.
Archives,
cxlii., 126.

CHAPTER 1039.

RESOLVE ON THE PETITION OF LIEUT. ANDREW GILMAN.

Resolved that Richard Devens Esq^r, Commissary, be and he is hereby ordered to deliver to Lieut Andrew Gilman and Ensign Jeremiah Colburn, two rations each from the 11th day of September, 1776, to the 11th day of December in said year, and also to deliver to the said Gilman and Colburn one ration each from the eleventh day of December, 1776, to the twenty-second day of January, 1778, they giving their receipts therefor. [*Passed April 28.*]

Legislative
Records of the
Council,
xxxviii., 498.
Mass.
Archives,
ccxviii., 317.

Mass.
Archives,
ccxviii., 317½.

CHAPTER 1040.

VOTE ON RESOLVE REPORTED ALLOWING £1,802. 7. 8 FOR BALANCE OF ACCOUNT OF ROBERT PIERPONT.

Legislative
Records of the
Council,
xxxviii., 499.
House
Journal, p. 243.

THE COMMITTEE appointed to consider the services of the late Commissary of Prisoners reported a Resolve for paying the said Robert Pierpont £1,802.7s.8d to discharge the ballance of his account.

In the House of Representatives

Read & accepted

In Council

Read & concurred. [*Passed April 28.*]

CHAPTER 1041.

RESOLVE APPOINTING COL^O ISRAEL HUTCHINSON AS SUPERINTENDENT FOR ESSEX COUNTY.

Legislative
Records of the
Council,
xxxviii., 499.
Mass.
Archives,
ccxviii., 316.

Resolved that Col^O Israel Hutchinson be and he hereby is appointed as Superintendent in the County of Essex, to receive & send forward the men that may be raised agreeably to a Resolve passed the 20th current, in the room of the Hon Michael Farley Esq^r, who is under inoculation for the Small Pox. [*Passed April 28.*]

CHAPTER 1042.

APPOINTMENT OF NATHANIEL THWING AS A NAVAL OFFICER.

Legislative
Records of the
Council,
xxxviii., 499.
Mass.
Archives,
ccxviii., 315.

In the House of Representatives

The House made choice by ballot of Nathaniel Thwing as Naval Officer for the Port of Townsend.

In Council

Read & Concurred. [*Passed April 28.*]

CHAPTER 1043.

RESOLVE IMPOWERING NEHEMIAH ABBOT, ADMINISTRATOR, TO SELL REAL ESTATE.

Legislative
Records of the
Council,
xxxviii., 500.
Mass.
Archives,
ccxviii., 312.

ON THE PETITION of Nehemiah Abbot (& others), Administrator on the estate of David Chandler, late of Andover in the County of Essex deceased, praying to have the real estate of said deceased sold for the reasons sett forth in said Petition.

Mass.
Archives,
ccxviii., 313.

Resolved that the prayer of the Petition be so far granted that the said Nehemiah Abbott, in his said capacity, be and he is hereby impowred to make sale of the real estate mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers; he observing the rules in the law for the sale of real estates by Executors and Administrators, and giving bond to the Judge of Probate for the County of Essex that the proceeds of said sale be divided amongst the heirs according to law. [*Passed April 28.*]

CHAPTER 1044.

RESOLVE FOR THE APPOINTMENT OF A COMMISSARY OF MILITARY STORES.

WHEREAS the military stores of this State are much increased, and it is necessary that some person other than the Colonel of Artillery should be appointed to take care of them: it is therefore

Resolved that some person be appointed by joint ballot of both Houses as a Commissary of Military Stores, and the said Commissary is hereby ordered & directed to take into his possession & care all the military stores belonging to this State, except such as are necessary for the severall forts & posts within the same; and the said Commissary is further directed to take charge of the Laboratory of this State & superintend & carry on the works of the same, and the commanding officer of the regiment of artillery in the service & pay of this State is hereby ordered & directed from time to time to furnish the said Commissary with such & so many men as shall be necessary for making cartridges & carrying on other works in the said Laboratory; and whenever the regiment of artillery or any other corps in the service & pay of this State, or the commanders of any forts in the same, shall have occasion for cartridges or any other military stores, they are directed to apply to the Honorable Council, who are requested to give orders for such quantities as they shall judge necessary.

And it is further

Resolved that the said Commissary shall appoint a Clerk & Conductor who shall be allowed Eight pounds ~~per~~ month & one ration each. The said Commissary shall be accountable for all such stores as he shall from time to time receive, and shall make return to the Board of War of all such stores as he has in his possession when & so often as they shall call for the same and shall be allowed for his service Fifteen pounds per month & two rations. [*Passed April 28.*]

Legislative
Records of the
Council,
xxxviii., 500.
Mass.
Archives,
ccxviii., 338.

CHAPTER 1045.

RESOLVE DIRECTING THE BOARD OF WAR TO SELL FIRE ARMS TO MEN IN SERVICE AT RHODE ISLAND.

WHEREAS it is represented to this Court that some of the men inlisted into the publick service for the defence of Rhode Island are not possessed of Fire Arms, but are willing to furnish themselves, if they know where to purchase them: Therefore

Resolved that the Board of War be, and they hereby are empowered and directed to sell Fire Arms to any such persons as are, or may be engaged in the publick service of this State, and shall apply to them for the same, at such price as they may judge reasonable, and the Secretary is directed to publish this Resolve in the next Thursday News papers. [*Passed April 29.*¹]

Legislative
Records of the
Council,
xxxviii., 416.
Mass.
Archives,
ccxviii., 372.

¹ This date is April 6 according to Legislative Records of the Council.

CHAPTER 1046.

RESOLVE IMPOWERING JUDGES OF PROBATE TO INTERROGATE
ALL PERSONS SUSPECTED OF HAVING CONCEALED EFFECTS OF
ABSENTEES.

Legislative
Records of the
Council,
xxxviii., 483.
Mass.
Archives,
ccxviii., 357.

Mass.
Archives,
ccxviii., 353-
358.

WHEREAS there are now under the care of many of the Comm^{ees} of Correspondence &c in this State, sundry goods and effects which were the property of such Absentees who have joined the enemy since January, 1774, and whereas it is represented to this Court that considerable quantities of goods & effects of such Absentees are in the hands of divers persons who conceal the same or refuse to deliver them up to the Comm^{ees} afores^d & to the Comm^{ee} of Sequestration in the Town of Boston, agreeable to the Resolves of the General Court: Therefore

Resolved that the several Judges of Probate within their respective Counties (upon application made to them by any such Committees) be, & they are hereby fully authorized and impowered to convene before them & interrogate upon oath or affirmation as the case may be, any person or persons which either of s^d Comm^{ees} may know or have reason to suspect to be possessed of or to have concealed embezzled or conveyed away any such goods, wares or effects of such Absentees; & in case such person or persons known or suspected as afores^d shall refuse to acquit him or herself on oath before s^d Judge, he is hereby authorized to commit such person or persons so refusing to swear or affirm, to the goal of the County wherein such refusal shall be, there to remain until he or she shall comply to discharge him or herself by oath or affirmation as afores^d or be released by consent of such Comm^{ee}. And the several Comm^{ees} afores^d upon discovering by oath or otherwise any such goods, wares or effects to be in possession of any person who, upon demand made, shall refuse to deliver the same, the s^d Committees are hereby severally impowered & directed to bring actions for the recovery of the same, and also to recover by action all rents due for the occupation or improvement of any estate of such Absentees, which have been lett or hired out by such Comm^{ees} respectively; and s^d Committees are hereby further directed to sell by public auction upon suitable previous notice all such goods, wares & effects as soon as may be; provided, nevertheless, that in case such absent person has left a wife, children or other dependents for whom he was obliged to provide, s^d Comm^{ees} shall reserve & allow to them so much of the household furniture & utensils as they may judge necessary for their use and improvement, and render accounts of all their doings herein to the Secretary's Office; & s^d Comm^{ees} shall pay the monies which they may receive for the sale of such personal estate with the rents of the real estates to y^e Treasurer of this State, taking duplicate receipts, one of which they shall lodge in the Secretary's Office; provided further that nothing in this Resolve shall be construed to extend to those estates which are under the care of Agents, appointed by any of the Judges of Probate in pursuance of a law of this State or to any goods now in the hands of any person by order of the General Court. [*Passed April 29.*¹

¹ This date is April 24 according to Legislative Records of the Council.

CHAPTER 1047.

RESOLVE ON THE PETITION OF IVORY HOVEY.

ON A PETITION of Ivory Hovey, praying that his property taken by one Nathan Jones of Gouldsbrough may be restored, & that an action commenced against him by said Jones may be suspended.

Legislative
Records of the
Council,
xxxviii., 500.
Mass.
Archives,
ccxviii., 345.

Resolved that the prayer of the s^d petition be granted and that the s^d Nathan Jones or the officer who attached the said property, be and he hereby is directed and commanded to deliver without delay to the s^d Hovey all and every part [of the]¹ said property of the said Hovey, which [he the]¹ said Jones has taken or that has been taken by his order, in consequence of any power he, the s^d Jones, received from the owners of the Sloop Advance.

Mass.
Archives,
ccxviii., 346-
349.

And that the s^d action commenced against the said Hovey by the said Jones, on account of the said Sloop Advance be, and it hereby is, with all the proceedings relative thereto, suspended untill the further order of the General Court. [*Passed April 29.*²

CHAPTER 1048.

RESOLVE IMPOWERING JOHN LEATHE TO SELL CERTAIN REAL ESTATE.

ON THE PETITION of John Leathe and others, heirs to the estate of Deacon John Leathe, late of Woburn deceased, praying to have the real estate sold for the reasons sett forth in said Petition.

Legislative
Records of the
Council,
xxxviii., 502.
Mass.
Archives,
ccxviii., 359.

Resolved that the prayer of said Petition be so far granted that the said John Leathe, one of the heirs aforesaid, be and is hereby empowered to make sale of the real estate mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers; he giving bond to the Judge of Probate for the County of Middlesex that the proceeds of said sale be divided amongst the several heirs according to law. [*Passed April 29.*

Mass.
Archives,
ccxviii., 360.

CHAPTER 1049.

RESOLVE ON THE PETITION OF THE OVERSEERS OF THE POOR OF MENDON.

ON THE PETITION of the Overseers of the Poor of the Town of Mendon, praying that the charges they have been at in maintaining and supporting Elizabeth Cummings and her two children, may be allowed and paid out of the Publick Treasury of this State to M^r Seth Nelson, and that she, the said Elisabeth Cummings, and her two children be made a State charge for the future, for reasons set forth in said Petition.

Legislative
Records of the
Council,
xxxviii., 502.
Mass.
Archives,
ccxviii., 342.
Mass.
Archives,
ccxviii., 343.

Resolved that the prayer of said Petition be granted and that there be paid out of the publick Treasury of this State to M^r Seth Nelson, the sum of Forty-one pounds, sixteen shillings and ten pence L. M., for the charges the Town of Mendon have been at in maintaining and supporting the said Elizabeth Cummings

¹ Inserted from Legislative Records of the Council.

² This date is April 28 according to Legislative Records of the Council.

and her two children, he, the said Seth Nelson, giving his receipt to the Treasurer of this State for the same. And it is further

Resolved that the said Elizabeth Cummings and her two children be made a State charge for the future. [*Passed April 29.*]

CHAPTER 1050.

RESOLVE APPOINTING COMMITTEES TO SETTLE DISPUTES BETWEEN TOWNS CONCERNING THEIR RESPECTIVE QUOTAS.

Legislative
Records of the
Council,
xxxviii., 503.
Mass.
Archives,
cexviii., 361.

WHEREAS it appears by the returns made into the Secretary's Office, that in many instances the same men have been returned for several Towns as one Seventh part of their male inhabitants for the Continental Army, by which means the compleating this State's quota of said army has been greatly delayed; for remedy whereof and in order that the deficiencies of each Town may be exactly & speedily known:

Resolved that Daniel Perry, Abner Ellis and Thomas Crane Esq^{rs}, be a Committee for the County of Suffolk; Samuel Osgood Esq, Coll Israel Hutchinson & Maj^r Joseph Page, a Committee for the County of Essex; Coll Eleazar Brooks, Cap^t Joseph Hosmer & Coll. Cyprian How, a Committee for the County of Middlesex; M^r Willis Hall, Israel Nichols Esq^r, Coll Jacob Davis, Doct^r Wm. Dunsmore & Capt Timothy Page, a Committee for the County of Worcester; Justin Ely Esq^r, M^r Elijah Hunt & Coll Ruggles Woodbridge, a Committee for the County of Hampshire; John Turner Esq^r, M^r Benjamin Thomas & Coll John Gray, a Committee for the County of Plymouth; John Greenough Esq, Solomon Freeman Esq^r & M^r Joseph Snow, a Committee for the County of Barnstable; Thomas Durfee Esq^r, Shubael Peck Esq^r & Samuel Tobey Esq^r, a Committee for the County of Bristol; Joseph Simpson Esq^r, John Frost Esq^r & Thomas Cutts Esq^r, a Committee for the County of York; John Waite Esq^r, M^r Paul Little & John Lewis Esq^r, a Committee for the County of Cumberland; Dummer Sewall Esq^r, Coll Samuel M^cCobb & Nathaniel Thwing Esq^r, a Committee for the County of Lincoln; and Cap^t Wm. Bacon, Jael Woodbridge Esq^r & Capt William King, a Committee for the County of Berkshire.

And it is further

Resolved that said Committees be & hereby are invested with full powers to hear and determine all disputes arising from returns made in manner afores^d between the several Towns & Companies within the County for which they are respectively appointed. And said Committees are hereby directed as soon as may be to notify by writing the time and place at which they will meet the Selectmen and Military Officers of the several Towns within the County for which they are respectively appointed; and in case the Officers or Selectmen of any such Town or Company as shall have made returns in manner afores^d shall refuse or neglect to appear and defend their claims before said Committee, they shall nevertheless proceed to hear & determine the cause upon such evidence as they shall be able to obtain; and said Committees are hereby directed to transmit to the Secretary's Office on or before 20th day of June next, a particular account of their proceedings, together with the number of men each Town within their County is deficient, in order to compleat one Seventh part of their male inhabitants in consequence of having made such wrong returns as aforesaid.

And it is further

Resolved that there be allowed said Committees for each man p^r

day the sum of Eighteen shillings for his time & expences (including Horse hire) whilst attending said service, which together with all other charges arising thereon shall be paid as the General Court shall hereafter order.

And whereas it is represented to this Court that several Towns or Companies have returned men as part of their respective quotas of the Continental Army, who were enlisted or drafted to do duty as Guards or otherwise for short terms in Continental pay:

Resolved that the aforesaid Committees be directed to make full enquiry into this matter & make report to this Court of those Towns or Captains of Companies who have returned such men, and order said Captains immediately to detach other men agreeable to the true intent of the Resolves of this Court for filling up the Continental Army. [*Passed April 29.*]

CHAPTER 1051.

RESOLVE ON THE PETITION OF COL^O ABIJAH STEARNS.

ON THE PETITION of Col^O Abijah Stearns, praying for six Fire Arms for six men in his regiment now doing duty at Roxbury.

Resolved that the prayer of said Petition be granted and that the Board of War be directed to deliver the said Col^O Stearns six Fire Arms, he giving his obligation to return the said arms on or before the third day of July next in good order, and likewise to pay for the use of the same the sum of Four shillings & six pence each. [*Passed April 29.*]

Legislative
Records of the
Council,
xxxviii., 504.
Mass.
Archives,
ccxviii., 363.

Mass.
Archives,
ccxviii., 364.

CHAPTER 1052.

RESOLVE ON THE PETITION OF REBECCA CALLAHAN.

WHEREAS Rebecca Callahan of Pownalborough has petitioned this Court that she may have leave to go to her husband Charles Callahan; and that she may be allowed the personal estate lately belonging to her said husband (now in the hands of Nathaniel Thwing Esq^r, Agent for the said Charles' estate), to enable her to defray the charges of carrying her aged father & family to her said husband at Hallifax:

Resolved that Rebecca Callahan be & hereby is permitted to depart this State with her whole family directly for Hallifax or by the way of Newport, and that she be & is hereby allowed out of said Charles' personall estate the sum of Two hundred pounds to defray the charge which may attend her transporting herself & family to Hallifax or Newport; and the said Nath^l Thwing Esq^r, is hereby directed to pay the said Rebecca the aforesaid sum of Two hundred pounds out of the personal estate of the said Charles for the purpose aforesaid. [*Passed April 29.*]

Legislative
Records of the
Council,
xxxviii., 504.
Mass.
Archives,
ccxviii., 365.

Mass.
Archives,
ccxviii., 366.

CHAPTER 1053.

RESOLVE EXPLAINING A CERTAIN CLAUSE IN THE ACT AGAINST TREASON.

WHEREAS in the late Act against Treason &c passed by the General Assembly of this State in the year 1777, there is a clause which enacts — "That no person upon whom sentence or judg-

Legislative
Records of the
Council,
xxxviii., 505.

Mass.
Archives,
cexviii., 369.

ment of death shall be passed, or given, by the Justices of the Superior Court of Judicature, Court of Assize and General Goal delivery, shall be executed & put to death in pursuance of such judgment, before the whole record of such proceedings, or case, be certified by the Clerk of the same Court, under the Seal thereof, to the Supreme Executive authority of this State, nor until a warrant shall be issued by the said Supreme Executive authority, under the Great Seal of this State, with a copy of the record thereunto annexed, directed to the Sheriff of the County wherein the trial of the person so attainted as aforesaid was had, commanding the same Sheriff to cause execution to be done upon the person so attainted as aforesaid, in all things according to the judgment against him; and the Sheriff to whom such warrant shall be directed, is hereby authorized & required to execute the same in due form of law."

Concerning which said clause, doubts have arisen whether it ought to be construed so as to extend to all cases whatsoever upon whom such sentence shall pass, or whether it shall be restricted to such persons only who have or shall have such judgment passed upon them by virtue of said Act. For preventing such doubts in future, it is hereby

Resolved that said clause was intended & shall be construed to extend to all persons in all cases whatsoever, upon whom such sentence of death hath or shall pass, other than those convicted by virtue of said Act. [*Passed April 29.*]

CHAPTER 1054.

RESOLVE DIRECTING THE COMMITTEE ON MUSTER ROLLS TO ALLOW THE ROLLS OF CAPT. ISAIAH BOUDROU'S COMPANY.

Legislative
Records of the
Council,
xxxviii., 506.
Mass.
Archives,
cexviii., 371.

ON A PETITION of James Avery in behalf of Captain Isaiah Boudrou, setting forth that said Boudrou inlisted a company of Frenchmen in the County of Cumberland in Nova Scotia, by order of Coll Jonathan Eddy, & employed them in several actions against the enemy & praying that the rolls for their service may be allowed & paid.

Mass.
Archives,
cexviii., 370.

Resolved that the prayer of the Petition be granted, & the Committee on Muster Rolls are hereby directed to allow said rolls accordingly. [*Passed April 29.*]

CHAPTER 1055.

RESOLVE ON THE PETITION OF CAPT. LIEUT. JOSEPH THOMAS AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 507.
Mass.
Archives,
cexviii., 340.

UPON THE PETITION of Joseph Thomas, Captain Lieutenant & W^m Fenno, Quarter Master in a regiment of artillery raised by the United States, in behalf of themselves & seven other officers, praying that they may be intitled to the benefit of a Resolve of this Court of the 13th of March last, giving certain articles therein specified to the Continental officers belonging to this State.

Mass.
Archives,
cexviii., 341.

Resolved that the prayer of the Petition be granted & the Board of War are hereby directed to deliver the petitioners & the other officers in s^d regiment belonging to this State, their proportion of the articles mentioned in s^d Resolve of the 13th of March last. [*Passed April 29.*]

CHAPTER 1056.

RESOLVE FORBIDDING UNAUTHORIZED PERSONS TRADING WITH
THE TROOPS OF THE CONVENTION.

WHEREAS the penalties ordered by the Resolves of this Court of the 25th of Octobr & y^e 13th of Dec^r last, are found to be insufficient to prevent Commerce, Trade & Dealing betwixt the Troops of the Convention at Saratoga & the inhabitants of this State or persons residing within the same, it is

Legislative
Records of the
Council,
xxxviii., 468.
Mass.
Archives,
ccxviii., 374.

Resolved that if any person or persons (other than such as are or may be appointed by order of this Court), shall sell or dispose of any Wine, Spirits, Ale, Beer or Cyder, or any kind of Provisions to any British or foreign troops included in s^d Convention; within y^e limits assigned to any of y^e officers and soldiers of said Convention, or shall exchange with any of them paper money for hard money, he, she or they so offending shall be subject to military prosecution & punishment; & that Gen^l Heath be and he is hereby empowered and requested to carry the above Resolve into execution. And it is further

Mass.
Archives,
ccxviii., 373.

Resolved that Cap^t Amasa Davis be and he is hereby appointed a Commissary to purchase & transport to Rutland such articles of foreign produce as Gen^l Heath shall judge necessary & proper for s^d troops over & above their rations.

And it is further

Resolved that the Council be requested to appoint a Commissary or Commissarys, for the purpose of selling out to the Troops of the Convention at Rutland small meats & vegetables if they shall judge necessary, & give them such instructions as they may think expedient. [*Passed April 30.*¹]

CHAPTER 1057.

RESOLVE ON THE PETITION OF WILLIAM PROCTOR.

THE COMMITTEE of both Houses on the Petition of W^m Procter beg leave to report the following resolve, which is submitted.

OLIVER PRESCOTT p order

Legislative
Records of the
Council,
xxxviii., 506.
Mass.
Archives,
ccxviii., 375.

On the Petition of William Procter, praying that the Committee of the Town of Harvard may be directed to allow him the possession of the farm he now occupies in said Town.

Mass.
Archives,
ccxviii., 376,
377.

Resolved that the Committee of Correspondence &c for the Town of Harvard be, and they hereby are directed to permit the said William Procter & his family to remain in possession of the farm mentioned in said Petition, untill the further order of the General Court, the said Procter paying to said Committee annually for the use of this State, the interest of the money due from him to said Abijah Willard referred to in said Petition.

In the House of Representatives

Read & passed

In Council

Read & Concurred. [*Passed April 30.*²]

¹ This date is April 21 according to Legislative Records of the Council.

² This date is April 29 according to Legislative Records of the Council.

CHAPTER 1058.

VOTE ON REPORT OF COMMITTEE ON THE PETITION OF CAPT.
GEORGE DEAKE.

Legislative
Records of the
Council,
xxxviii., 507.
Mass.
Archives,
ccxviii., 381.

Mass.
Archives,
clxxiv., 25;
ccxviii., 382,
384.

THE COM^{TEE} of both Houses, upon the Petition of George Deake have attended that service & heard the parties & report that said Deake & one Ziphion Thayer have agreed to settle the affair, if this Court consent to give up their claim to the Schooner Two Brothers & cargo mentioned in said Petition; that s^d Deake appears to have acted the part of a good officer; that the property of said Schooner & cargo will probably appear upon trial to belong to said Thayer's brother; and that now said Thayer has promised to said Deake that he will generously pay him all expences which he has been at about this affair, provided this State will give up their claim, & said Thayer be put into possession of said Vessel & cargo; upon which promise said Deake appears to be fully satisfied, depending upon the performance on the part of said Thayer.

J: PALMER p^r Ord^r

In the House of Representatives

Read & accepted.

In Council

Read & concurred. [*Passed April 30.*¹]

CHAPTER 1059.

RESOLVE ON THE PETITION OF SIMON TUFTS, ESQ^R.

Legislative
Records of the
Council,
xxxviii., 507.
Mass.
Archives,
clxxxiv., 112.

Mass.
Archives,
clxxxiv., 110.

THE COM^{TEE} of both Houses on the within Petition beg leave to report the following Resolve, which is Humbly Submitted.

J. STONE p^r Order

Resolved that Simon Tufts Esq^r of Medford be, and he hereby is directed to deliver into the hands of the Committee of Correspondence, Inspection &c of the Town of s^d Medford, all the estate of Isaac Royal Esq^r, that he, the said Tufts, has in his hands, which he, the said Royal, left in the s^d Town of Medford; and the s^d Com^{tee} of Medford are hereby directed to receive the same and improve it in the best & most prudent manner they can, agreeable to the Resolves of this Court respecting Absentees Estates.

And it is also

Resolved that the several Committees of Correspondence, Inspection &c. of such Towns & Plantations within this State, are directed to take possession of any estate in each Town or Plantation respectively, that belonged to the said Isaac Royal when he left this State.

And all persons holding possession of any such estate are hereby directed to deliver possession thereof to such Committees respectively, and said Committees are further directed to observe the same rules relative thereto as they are ordered to do in managing the estates of other Absentees

In the House of Representatives

Read & passed

In Council

Read & Concurred. [*Passed April 30.*¹]

¹ This date is April 29 according to Legislative Records of the Council.

CHAPTER 1060.

RESOLVE ON THE PETITION OF CAPT. JOHN WINSLOW.

ON THE PETITION of Capt. John Winslow, in behalf of a number of soldiers inlisted into the corps of artillery under the command of Maj^r Eben^r Stevens

Legislative
Records of the
Council,
xxxviii., 510.
Mass.
Archives,
ccxviii., 385.

Resolved that there be paid out of the Treasury of this State to Capt. John Winslow, this State's bounty for thirty-nine men and for their use in Ten pound notes, agreeable to a Resolve of the General Court of Dec^r 28th, 1776. [*Passed April 30.*]

Mass.
Archives,
ccxviii., 386-
388.

CHAPTER 1061.

RESOLVE SUSPENDING WORK ON THE POWDER MILL AT STOUGHTON.

Resolved that the Committee appointed to erect, carry on and compleat a Powder Mill in the Town of Stoughton be, & they hereby are directed to suspend the compleating y^e additional works until the further order of the General Court, any Resolve or Order of this Court to the contrary notwithstanding. [*Passed April 30.*]

Legislative
Records of the
Council,
xxxviii., 510.
Mass.
Archives,
ccxviii., 389.

CHAPTER 1062.

RESOLVE RELINQUISHING CLAIM TO THE SCHOONER TWO BROTHERS.

WHEREAS this Court by a Resolve of the 28th current, directed that the capture of the Schooner Two Brothers & cargo, lately taken by George Deake, should be tried in the Middle District of this State, & whereas it appears that the said Deake is willing to relinquish his claim on a promise of Ziphion Thayer, who lays claim thereto, to pay him the expences he has been at, provided this State will give up its claim to the same:

Legislative
Records of the
Council,
xxxviii., 510.
Mass.
Archives,
ccxviii., 390.

Resolved that this Court do hereby relinquish all claim which this State may have to the said Schooner & cargo. [*Passed April 30.*]

CHAPTER 1063.

RESOLVE ON THE PETITION OF JONAS FARNSWORTH AND OTHERS.

ON THE PETITION [of] Jonas Farnsworth, Benj^a Foster & others, praying for allowance for rations due during the time of their service at Machias, agreeable to the abstracts accompanying s^d Petition; also on the Petition of Jabez West and Reuben Dyer, praying for rations due to them & several other officers in the service of this State; also on the Petition of Jonas Farnsworth, praying for a bounty for the non-commissioned officers & private soldiers in severall companies of militia who did duty at Machias last summer; and also on the Petition of the s^d Jonas Farnsworth, praying for a number of Fire Arms & ammunition for the sixth regiment of militia in the County of Lincoln.

Legislative
Records of the
Council,
ccxviii., 510.
Mass.
Archives,
ccxviii., 392.
Mass.
Archives,
ccxviii., 393-
400, 414.

Resolved that there be allowed & paid to each non-commissioned officer & private soldier, who did duty at Machias as set forth in s^d Petition, the sum of Thirty shilling per month, in addition to the

Continental pay, for which purpose the petitioner is directed to lay his rolls before the Committee of Muster Rolls for examination. And it is further

Resolved that the Board of War be directed to deliver to the said Jonas Farnsworth, One hundred & sixty two Fire Arms, Four hundred & seventy three pounds of Powder, & Nine hundred & forty six pounds of Leaden Ball for the sixth regiment in the County of Lincoln; said Farnsworth giving security to the said Board of War to pay for the said Fire Arms & ammunition in twelve months from the date of this Resolve at such price as the Board of War shall judge reasonable. And it is further

Resolved that the Board of War be directed to give orders on the Commissary General for such & so much provisions as shall appear to be due to the said militia for rations which they have not received. [*Passed April 30.*]

CHAPTER 1064.

RESOLVE ON THE PETITION OF COL^O JONATHAN WARD.

Legislative
Records of the
Council,
xxxviii., 512.
Mass.
Archives,
ccxviii., 411.

ON THE MEMORIAL of Col^O Jonathan Ward, setting forth that he had delivered to M^r David Bigelow the sum of One hundred and nine pounds, which he received for Fire Arms returned into the State store in the year 1775, with the appraisement of said arms, and praying for the order of this Court thereon.

Mass.
Archives,
ccxviii., 412,
413, 415.

Resolved that the said David Bigelow be and hereby is directed to pay into the Treasury of this State said sum in his hands, and the Treasurer be & hereby is directed to send a full discharge to the said Ward therefor by the hand of the said Bigelow. [*Passed April 30.*]

CHAPTER 1065.

RESOLVE ALLOWING £500 TO THOMAS CRANE, ESQ^R.

Legislative
Records of the
Council,
xxxviii., 512.
Mass.
Archives,
ccxviii., 402.

Resolved that there be paid out of the Public Treasury to Thomas Crane Esq^r, the sum of Five hundred pounds, to enable him to carry on the manufacture of gun-powder in the Powder Mill at Stoughton, he to be accountable for the expenditure of the same.

And it is further

Resolved that the Committee on Accounts be & hereby are empowered to settle the accounts of the Committee for building said mill. [*Passed April 30.*]

CHAPTER 1066.

RESOLVE ON THE PETITION OF NATHANIEL FARRINGTON AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 514.
Mass.
Archives,
ccxviii., 403.

ON THE PETITION of Nath^l Farrington & others, praying they may be allowed & paid out of the publick Treasury of this State, the sum granted by a late Act of this State to any person or persons that shall inform & prosecute to final judgment, any person or persons who should forge or counterfeit the Bills of publick Credit of this State.

Resolved that the said Nathaniel Farrington, with the other petitioners, be paid out of the publick Treasury of this State, the sum of Twenty pounds as a bounty for their trouble & the expence they were at in detecting and bringing to conviction one Abiel Brintnal, named in said Petition; and also the sum of Fifteen pounds, being the sum of which the said Farrington has been defrauded. [*Passed April 30.*]

Mass.
Archives,
ccxviii., 404-
406.

CHAPTER 1067.

RESOLVE ON THE PETITION OF CAPT. WILLIAM TODD.

ON THE PETITION of William Todd, praying that liberty may be granted him to reenter two actions at the next Superior Court, to be held within & for the County of Worcester, in which actions the said W^m Todd was appellant and one Bartholomew Walker was appellee, and that execution might be stayed in the meantime for reasons set forth in said Petition.

Legislative
Records of the
Council,
xxxviii., 513.
Mass.
Archives,
ccxviii., 407.

Resolved that the prayer of said Petition be so far granted as that the said W^m Todd have leave to notify the said Bartholomew Walker, by serving him with an attested copy of said Petition and this Order thereon, to shew cause (if any he have) on the second Wednesday of the next sitting of the next General Court why the prayer of said Petition should not be granted, and that execution upon said actions in the meantime be stayed; and the Clerks of the said Superior Court are hereby ordered to govern themselves accordingly any law or usage to the contrary notwithstanding. [*Passed April 30.*]

Mass.
Archives,
ccxviii., 408,
409.

CHAPTER 1068.

VOTE ON CHOICE OF GUARDIANS TO INDIAN TRIBES.

THE COMMITTEE appointed to collect, count and sort the votes in both Houses for Guardians to the several Tribes of Indians within this State, report that the following named persons were chosen: —

Legislative
Records of the
Council,
xxxviii., 471,
509.

For the Mashpee tribe, — Daniel Davis, Esq^r, Mr Simon Fish and Mr Thomas Smith.
For the Herring Pond Indians, — Mr Stephen Nye, Mr Ephraim Ellis and Seth Freeman, Esq^r.
For the Natick Indians, — Hon. Josiah Stone, Esq^r, Capt Eleazer Kingsbury and Capt. Jeremiah Twitchel.
For the Punkapaug Tribe, — Thomas Crane, Esq^r, Mr Jonathan Capen and Mr Nathaniel Fisher.
For the Hassanamisco Tribe, — Capt Stephen Maynard, Edward Rawson, Esq^r, and Mr Willis Hall.
For the Dudley Indians, — Major Nathaniel Healy, Mr Edward Davis and Mr Samuel Harris.

In Council
Read & Accepted
In the House of Representatives
Read & concurred. [*Passed April 30.*]

CHAPTER 1069.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH CLOATHING, ETC., TO OFFICERS OF COL^o THOMAS CRAFTS' ARTILLERY REGIMENT.

Legislative
Records of the
Council,
xxviii., 512.
Mass.
Archives,
ccxviii., 410j.
Mass.
Archives,
ccxviii., 410.

ON THE PETITION of Paul Revere and others, officers in the regiment commanded by Col^o Thomas Crafts.

Resolved that the Board of War be, & hereby are directed and impowered to supply the officers of the regiment of artillery under the Command of Col^o Thomas Crafts, with so much blue cloth as will make each of them a coat and with trimming sufficient for the same; with some white woolen or linnen cloth for waistcoat and breeches, & with linnen sufficient for two shirts; and each of them with two pair of stockings, two pair of shoes and as much ticking or strong check as will make a mattress & pillow; they paying for them the same price as the Continental officers pay, provided the Board of War have in their possession more than sufficient for the supply of the officers belonging to the Continental regiments raised within this State. [*Passed May 1.*¹]

CHAPTER 1070.

RESOLVE DIRECTING MAJOR GEN^l HEATH TO PROVIDE SUITABLE QUARTERS FOR GEN^l REIDASEL.

Legislative
Records of the
Council,
xxviii., 514.
Mass.
Archives,
ccxviii., 443.

ON THE MEMORIAL of Thaddeus Mason Esq, setting forth that he, as principal creditor to the estate of Jonathan Sewall Esq., late of Cambridge, Absentee, was, on application by him made to the Judge of Probate &c. for the County of Middlesex, appointed Agent for s^d estate; & has given bond & caused the estate to be apprizd, & has exhibited an inventory thereof into the s^d Court, agreeably to an Act of this State in that case made & provided; but that before he could take the agency of s^d estate, the house & out-buildings thereon, garden, yards &c, were let by the then tenants thereof for the admission of Gen^l Reidehasell & his family, who has ever since held & still holds them notwithstanding his lease is expired, & refuses to remove till another suitable place is provided for him; whereby he is deprived not only of a place of habitation for himself & a large family, but of the benefit of improving the lands, which contain more than forty acres, for which he is engaged to pay a very large rent to this State & a large tax, which is & will be assessed thereon, & therefore praying for relief.

Resolved that Major Gen^l Heath be & hereby is requested to provide other suitable quarters for the s^d Gen^l Reidehasell, & cause him to be removed as soon as may be, & to place the charges which may arise therefrom to the account of the Troops of the Convention. [*Passed May 1.*]

¹ This date is April 30 according to Legislative Records of the Council.

CHAPTER 1071.

RESOLVE ON THE PETITION OF MAJOR HENRY WOODS.

ON THE PETITION of Major Henry Woods, praying for some allowance for his losses in the battle at Charlestown on the seventeenth of June Seventeen hundred and seventy-five, and also for services done by him as Major in the militia who marched to reinforce General Gates in the Northern Department in September last.

Legislative
Records of the
Council,
xxxviii., 515.

Resolved that there be paid out of the publick Treasury of this State to Major Henry Woods, the sum of Thirty-five pounds, four shillings and four pence, in full for his losses and forty days service in the militia and rations. [*Passed May 1.*]

CHAPTER 1072.

RESOLVE MAKING ALLOWANCES TO THE SUPERINTENDENTS OF THE SEVERAL COUNTIES.

WHEREAS this Court judge it necessary that the several Superintendents lately appointed in order to receive and forward the Two thousand men to be raised as a reinforcement to the army, should be furnished with a sum of money out of the public Treasury, to enable them to answer the design of their appointment.

Legislative
Records of the
Council,
xxxviii., 515.
Mass.
Archives,
ccxviii., 435.

Resolved that there be allowed & paid out of the public Treasury to each Superintendent appointed for the purpose afores^d, a sum not exceeding One hundred pounds, the better to enable said Superintendents to pursue the design of their appointment, said Superintendents to be accountable to the General Court for the expenditure thereof. [*Passed May 1.*]

CHAPTER 1073.

RESOLVE DISCONTINUING THE HOSPITAL AT SEWALL'S POINT.

WHEREAS the Town of Brookline has represented to this Court that the continuance of the Hospital at Sewall's Point in said Town will be highly inconvenient & prejudicial to the interest thereof, and dangerous to the inhabitants who live near the same, as well as to others who will be exposed to the infection; and that an advertisement was published in the last Monday's Paper purporting that the Hospital is opened for general Inoculation under the conduct of Doctors Warren, Rand & Hayward at the Barracks in said Town, which is beyond the intention & design of this Court expressed in the Resolve that passed the 12th of March last on the Petition of s^d Doct^r Warren: Therefore

Legislative
Records of the
Council,
xxxviii., 516.
Mass.
Archives,
ccxviii., 431.
Mass.
Archives,
ccxviii., 434½.

Resolved that the said Hospital be discontinued & the Resolve aforesaid is hereby declared null & void, and the Doctors aforesaid are forbidden to inoculate or receive any persons therein after they shall have notice of this Resolve, and the Secretary is directed to furnish the petitioners with a copy of this Resolve. [*Passed May 1.*]

CHAPTER 1074.

RESOLVE ON THE PETITION OF CAPT. DANIEL GOODRICH, CHAIRMAN OF THE COMMITTEE OF SAFETY OF HANCOCK.

Legislative
Records of the
Council,
xxxviii., 517.
Mass.
Archives,
ccxviii., 429.
Mass.
Archives,
ccxviii., 430.

ON THE PETITION of Capt. Daniel Goodrich, in behalf of the Committee of Safety &c. for the Town of Hancock in the County of Berkshire for the year 1777, praying for direction with regard to the real & personal estates of a number of the inhabitants of said Town of Hancock, which said Committee took into their custody, pursuant to a Resolve of the General Court passed the fourth day of October last.

Resolved that the persons who were Select Men and Committee of Safety &c for the Town of Hancock in the County of Berkshire for the year 1777 be, and hereby are impowered & directed to keep in their possession all the real & personal estate of such persons, inhabitants of said Town, who had joined the enemy, which said Committee have now in their possession by virtue of a Resolve of the General Court of the fourth of October last; and that said Committee be & hereby are impowered & directed to proceed with said real & personal estates according to said Resolve, other persons being since chosen Select Men & a Committee for said Town notwithstanding; the said persons to be accountable to the General Court for their conduct, agreeable to the tenor of the aforesaid Resolve. [*Passed May 1.*]

CHAPTER 1075.

RESOLVE ALLOWING £40 TO JEREMIAH POWELL, PRESIDENT OF THE COUNCIL.

Legislative
Records of the
Council,
xxxviii., 518.
Mass.
Archives,
ccxviii., 428.

Resolved that there be allowed & paid out of the publick Treasury of this State, the sum of Forty pounds to the Hon^{ble} Jeremiah Powell Esq^r, for his extraordinary services as President of the Council, arising by reason of being destitute of a Governor. [*Passed May 1.*]

CHAPTER 1076.

RESOLVE ALLOWING £2. 18^s 11^d TO THE COMMITTEE APPOINTED TO COLLECT PUBLIC MONIES.

Legislative
Records of the
Council,
xxxviii., 518.
Mass.
Archives,
ccxviii., 428.

WHEREAS Benjamin Guild, Samuel Baker & Mr Bordman were appointed as a Committee of this House, to see what publick money was in the hands of officers and other persons that had been employed to do business for the State, which they had not accounted for and to receive the same; and it appears that they have collected the sum of Twenty-two pounds, eighteen shillings & eleven pence, and also exhibited a memorandum of moneys due to a considerable amount:

Resolved that said Committee be allowed Two pounds, eighteen shillings & eleven pence, for their time and expence, and that the remaining Twenty pounds be paid into the public Treasury by the chairman of said Committee, he taking duplicate receipts for the same, one to be lodged in the Secretary's Office. [*Passed May 1.*]

CHAPTER 1077.

RESOLVE FOR APPREHENDING AND CONFINING INIMICAL PERSONS
THAT HAVE RETURNED TO BERKSHIRE COUNTY.

WHEREAS it has been represented to this Court that a number of persons in the County of Berkshire that have been convicted as inimical to the United States and sent to the Board of War, have returned to the Towns to which they respectively belong, which causeth a very great uneasiness in the several Towns in said County: Therefore

Legislative
Records of the
Council,
xxxviii., 518.
Mass.
Archives,
ccxviii., 421.

Mass.
Archives,
ccxviii., 422-
425.

Resolved that all such persons in the County of Berkshire as have been condemned and sent to the Board of War as persons inimical to this and the other United States and are now at large, be and hereby are directed to be immediately taken up and confined in close custody by any of the Committees of Correspondence &c in any Town in said County, till the further order of the General Court; and the said Committees are also hereby directed to continue in close custody all such persons condemned as aforesaid, which they have confined without any law or order of the General Court, untill the further order of the General Court. And the Clerk of the Court of Special Sessions, before which such persons were tryed & condemned, is hereby directed to transmit to the Sheriff of the County of Berkshire, a list of all such persons as were sentenced & committed by virtue of any judgment of the Court of Sessions aforesaid. And the keeper of the goal in said county is hereby directed to receive into his custody all such persons condemned as aforesaid & retain them till the further order of the General Court. [*Passed May 1.*]

CHAPTER 1078.

RESOLVE DIRECTING PAYMENT OF GRATUITIES TO CONTINENTAL
OFFICERS AND SOLDIERS.

THIS COURT impressed with a sense of the noble exertions of our brethren in the army for the defence of this and the United States, and with the feelings of humanity for their fatigues & hardships; to encourage them with cheerfulness and spirit to pursue the righteous cause: it is therefore

Legislative
Records of the
Council,
xxxviii., 519.
Mass.
Archives,
ccxviii., 420.

Resolved that for the present encouragement of the army, there be paid out of the publick Treasury of this State by the first day of December next, as a gratuity to each Field Officer of the fifteen battalions raised in this State and who were in camp on or before the fifteenth day of August last, or to their order, the sum of One hundred & fifty dollars; and to each Captain, Subaltern & Staff Officer, or their order, the sum of One hundred and twenty dollars; they producing a certificate from the Colonel or commanding officer of the regiment to which they belonged, certifying their having been in camp as above; and that there be paid to each non-commissioned officer & private soldier in the above fifteen battalions, or to their order, the sum of One hundred dollars, on their producing a certificate from their Captain or commanding officer of the company to which they belong, of their having been in camp as above & not absent since except on furlough. [*Passed May 1.*]

CHAPTER 1079.

RESOLVE CREATING A LOTTERY FOR THE PAYMENT OF GRATUITIES.

Legislative
Records of the
Council,
xxxviii., 519.
Mass.
Archives,
cexviii., 419.

Mass.
Archives,
cexviii., 378-
380.

WHEREAS this Court have this day passed a Resolve for paying certain gratuities to such officers & private soldiers who inlisted into the fifteen Continental battalions raised by this State, & who inlisted before the 15th day of August last for the term of three years or during the war; and as it is thought expedient that a Lottery or Lotteries should be set on foot for raising a sum of money for the purpose aforesaid: Therefore

Resolved that a sum not exceeding Seven hundred & fifty thousand dollars, be raised by a Lottery or Lotteries, by a deduction of fifteen per cent upon the amount of the tickets.

That Oliver Wendell Esq^r, M^r Henry Hill, Thomas Crane Esq^r, Caleb Davis Esq^r & M^r Ezekiel Lewis, or any three of them, shall be Managers of said Lottery or Lotteries, who shall be sworn to the faithful discharge of said trust & shall give bond to the Treasurer of this State, in the sum of One thousand pounds each, for the performance of the trust hereby reposed in them; which said Managers shall make, & publish in the Boston & Worcester News-Papers, & also in the Hartford Paper, a scheme for said Lottery or Lotteries as soon as may be, agreeable to this Resolve; & they shall also therewith publish all necessary rules & regulations for the management thereof; that all prizes of Fifty dollars & upwards, shall be paid by Treasurer's notes for the amount of such prizes, bearing date the last day of drawing said Lottery (or each of them, if two) & payable, with six per cent per annum interest, on the first day of Jan^y, A.D. 1783; also that all smaller prizes shall be paid by said Managers in money & also that all prizes shall be paid without any deduction. [*Passed May 1.*]

CHAPTER 1080.

RESOLVE PROVIDING FOR PAYMENT OF THE COMMITTEE ON ACCOUNTS.

Legislative
Records of the
Council,
xxxviii., 520.
Mass.
Archives,
cexviii., 417.

Mass.
Archives,
cexviii., 418.

ON THE PETITION of the Hon^{ble} Jabez Fisher & others, a Committee appointed to examine, concur & pay for all articles supplied or services done by order of the General Court, or any Congress of this State not otherwise ordered, the same being first allowed by the Committee of the Hon^{ble} House appointed for that purpose, praying for an allowance for their extra services.

Resolved that there be paid out of the Treasury of this State to Jabez Fisher, John Taylor, Benjamin White & Daniel Davis Esq^{rs}, the sum of One penny *q* pound upon the whole sum which has passed through the aforesaid Committees' hands, as a full and just reward for their abovesaid services. [*Passed May 1.*]

RESOLVES, ORDERS, VOTES,
ETC.

PASSED 1778-79.

LEGISLATIVE LIST¹

FOR

1778-79.

Action by MAJOR PART OF THE COUNCIL from May 27, 1778.

JOHN AVERY, JR.,

DEPUTY SECRETARY.

COUNCILLORS OR ASSISTANTS.

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;

HON. ARTEMAS WARD	}	ESQRS.	HON. TIMOTHY EDWARDS	}	ESQRS.
BENJAMIN GREENLEAF			OLIVER PRESCOTT		
CALEB CUSHING			JOSIAH STONE		
THOMAS CUSHING			TIMOTHY DANIELSON		
JABEZ FISHER			OLIVER WENDELL		
BENJAMIN WHITE			SAMUEL NILES		
BENJAMIN AUSTIN			JOHN PITTS		
DANIEL HOPKINS			ELEAZAR BROOKS		
FRANCIS DANA			SAMUEL BAKER		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New-Plymouth;

HON. WILLIAM SEAVER	}	ESQRS.	HON. DANIEL DAVIS	}	ESQRS.
WALTER SPOONER			NATHAN CUSHING		

Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine;

HON. JEREMIAH POWELL, JEDEDIAH PREBBLE & JOSEPH SIMPSON, ESQRS.

Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahoc & Nova Scotia;

HON. HENRY GARDNER, ESQ.

For the State at large: —

HON. MOSES GILL & ABRAHAM FULLER, ESQRS.

¹ See Legislative Records of the Council, xxxviii., 527, 528. The Representatives or Deputies for this year have been taken from the House Journal (Secretary's Copy), 1778, pp. 3-5.

REPRESENTATIVES OR DEPUTIES.

May 27, 1778 to May 3, 1779.

HON. JOHN PICKERING, ESQ., SPEAKER,

SAMUEL FREEMAN, ESQ., SPEAKER PRO TEM:

COUNTY OF SUFFOLK.

<i>Boston</i> , . .	Hon. John Hancock, Esq.,
	Hon. William Phillips, Esq.,
	Col. Thomas Dawes,
	Mr. Joseph Barrell,
	Caleb Davis, Esq.,
	Ellis Gray, Esq.,
	John Lowell, Esq.
<i>Roxbury</i> , . .	Increase Sumner, Esq.
<i>Dorchester</i> , .	Capt. Ebenezer Wales.
<i>Milton</i> , . .	Capt. Daniel Vose.
<i>Braintree</i> , .	Samuel Niles, Esq.
<i>Weymouth</i> , .	Solomon Lovell, Esq.
<i>Hingham</i> , . .	Mr. Enoch Lincoln,
	Mr. Joseph Thaxter, Jr.
<i>Dedham</i> , . .	Jonathan Metcalf, Esq.
<i>Medfield</i> , . .	Mr. John Baxter, Jr.
<i>Wrentham</i> , .	Mr. Lemuel Kollock.
<i>Brookline</i> , .	Col. Thomas Aspinwall.
<i>Needham</i> , . .	Mr. John Fisher.
<i>Stoughton</i> , .	Thomas Crane, Esq.
<i>Stoughtonham</i> ,	Capt. Edward B. Savel.
<i>Medway</i> , . .	Elijah Clarke, Esq.
<i>Bellingham</i> , .	Stephen Metcalf, Esq.
<i>Walpole</i> , . .	Major Seth Bullard.
<i>Franklin</i> , . .	Mr. Joseph Hawes.

COUNTY OF ESSEX.

<i>Salem</i> , . .	Hon. John Pickering, Jr.,
	Esq., Speaker,
	Capt. George Williams,
	Capt. Samuel Ward.
<i>Danvers</i> , . .	Col. Israel Hutchinson.
<i>Ipswich</i> , . .	Hon. Michael Farley, Esq.,
	Mr. Stephen Choate,
	Mr. John Crocker.
<i>Newbury</i> , . .	Moses Little, Esq.
<i>Newburyport</i> ,	Jonathan Greenleaf, Esq.,
	Stephen Cross, Esq.,
	Jonathan Titcomb, Esq.,
	Moses Frazier, Esq.
<i>Lynn</i> , . .	Capt. Holten Johnson.
<i>Andover</i> , . .	Col. Samuel Johnson,
	Mr. Samuel Phillips, Jr.
<i>Beverly</i> , . .	Josiah Batchelder, Jr.
<i>Rowley</i> , . .	Capt. Benjamin Adams.
<i>Salisbury</i> , .	Major Joseph Page.

COUNTY OF ESSEX — *Concluded*.

<i>Haverhill</i> , .	Jonathan Webster, Esq.
<i>Gloucester</i> , .	Peter Coffin, Esq.,
	John Low, Esq.
<i>Topsfield</i> , .	Mr. John Gould.
<i>Almsbury</i> , .	Mr. Simeon Bartlet.
<i>Bradford</i> , .	Daniel Thurston, Esq.
<i>Methuen</i> , . .	Mr. James Ingals.
<i>Boxford</i> , . .	Aaron Wood, Esq.

COUNTY OF MIDDLESEX.

<i>Cambridge</i> , .	Capt. Stephen Dana.
<i>Watertown</i> , .	Jonathan Brown, Esq.
<i>Woburn</i> , . .	Col. Loammi Baldwin.
<i>Concord</i> , . .	Capt. Joseph Hosmer.
<i>Newton</i> , . .	Mr. Thomas Parker.
<i>Reading</i> , . .	Benjamin Brown, Esq.
<i>Marlborough</i> , .	Mr. Simeon Stow.
<i>Framingham</i> , .	Mr. William Brown.
<i>Lexington</i> , .	Mr. Robert Harrington.
<i>Sherburne</i> , .	Daniel Whitney, Esq.
<i>Sudbury</i> , . .	Capt. Jonathan Rice.
<i>Malden</i> , . .	Capt. Benjamin Blaney.
<i>Weston</i> , . .	Mr. Joseph Roberts.
<i>Medford</i> , . .	Thomas Brooks, Esq.
<i>Westford</i> , . .	Capt. Joseph Reed.
<i>Waltham</i> , . .	Mr. Abner Sanderson.
<i>Groton</i> , . .	Hon. James Prescott, Esq.
<i>Townsend</i> , .	Mr. James Locke.
<i>Holliston</i> , . .	Major Abner Perry.
<i>Dunstable</i> , .	John Tyng, Esq.

COUNTY OF HAMPSHIRE.

<i>Springfield</i> , .	William Pynchon, Esq.,
	Mr. Luke Bliss.
<i>West Springfield</i> , .	Major Benjamin Ely,
<i>field</i> , . .	Col. Benjamin Day.
<i>Northampton</i> , .	Mr. Elijah Hunt,
	Mr. Seth Hunt.
<i>South Hadley</i> , .	Noah Goodman, Esq.
<i>Amherst</i> , . .	Mr. Nathaniel Dickinson,
	Jr.,
	Mr. Joseph Eastman.
<i>Granby</i> , . .	Mr. John Ayers.
<i>Hatfield</i> , . .	John Hastings, Esq.
<i>Westfield</i> , . .	Major Warham Parks.

COUNTY OF HAMPSHIRE — *Concluded.*

<i>Deerfield,</i>	. . Mr. David Sexton.
<i>Belchertown,</i>	. . Mr. — Smith.
<i>Sunderland,</i>	. . Mr. Noah Baker.
<i>Brimfield,</i>	. . Dr. Joseph Moffat.
<i>Chesterfield,</i>	. . Mr. Matthew Buck.
<i>Monson,</i>	. . Mr. Benjamin Munn.
<i>Hadley,</i>	. . Mr. Phineas Lyman.
<i>Montague,</i>	. . Capt. Moses Harvey.
<i>Northfield,</i>	. . Mr. Ebenezer Jones.
<i>Colrain,</i>	. . Mr. James Stewart.
<i>Wilbraham,</i>	. . Col. John Bliss.
<i>Southwick,</i>	. . Mr. William More.
<i>Norwich,</i>	. . Mr. John Kirtland.
<i>Granville,</i>	. . Oliver Phelps, Esq.
<i>Greenfield,</i>	. . Mr. David Smead.
<i>Greenwich,</i>	. . Mr. Caleb West.
<i>Southampton,</i>	Capt. Timothy Clark.
<i>Blandford,</i>	. . Mr. William Boies.

COUNTY OF PLYMOUTH.

<i>Plymouth,</i>	. . Capt. Thomas Nicholson.
<i>Scituate,</i>	. . Mr. Israel Litchfield.
<i>Duxbury,</i>	. . George Partridge, Esq.
<i>Marshfield,</i>	. . Capt. Thomas Waterman.
<i>Bridgewater,</i>	Capt. Nathan Mitchell, Oakes Angier, Esq.
<i>Middleborough,</i>	Major John Nelson.
<i>Rochester,</i>	. . Col. Ebenezer White.
<i>Plympton,</i>	. . Mr. Gideon Sampson.
<i>Kingston,</i>	. . William Drew, Esq.
<i>Abington,</i>	. . Mr. Samuel Pool.
<i>Pembroke,</i>	. . John Turner, Esq.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	. . Edward Bacon, Esq., Capt. Sturgis Gorham.
<i>Sandwich,</i>	. . Nathaniel Freeman, Esq., Joseph Nye, Esq.
<i>Yarmouth,</i>	. . David Thatcher, Esq., Col. Enoch Hallet.
<i>Eastham,</i>	. . Mr. Barnabas Freeman, Major Josiah Rogers.
<i>Harwich,</i>	. . Solomon Freeman, Esq.
<i>Wellfleet,</i>	. . John Greenough, Esq.
<i>Falmouth,</i>	. . Thomas Smith, Esq., Nathaniel Shiverick, Esq.
<i>Chatham,</i>	. . Mr. Joseph Howse.

COUNTY OF BRISTOL.

<i>Taunton,</i>	. . Col. Nathaniel Leonard.
<i>Rehoboth,</i>	. . Mr. Ephraim Starkweather, Col. Shubael Peck.
<i>Swansey,</i>	. . Mr. Edward Anthony.

COUNTY OF BRISTOL — *Concluded.*

<i>Dartmouth,</i>	. . William Davis, Esq., Edward Pope, Esq.
<i>Norton,</i>	. . Mr. Abraham White.
<i>Attleborough,</i>	. . Capt. Elisha May.
<i>Dighton,</i>	. . Mr. George Coddington.
<i>Freetown,</i>	. . Thomas Durfee, Esq., Mr. Nathaniel Morton, 3d.
<i>Easton,</i>	. . Capt. James Perry, Maj. Abiel Mitchell.
<i>Mansfield,</i>	. . Capt. Abiel Clap.
<i>Berkley,</i>	. . Samuel Toby, Esq.

COUNTY OF YORK.

<i>York,</i>	. . . Joseph Simpson, Esq.
<i>Kittery,</i>	. . . Edward Cutts, Esq., John Frost, Esq.
<i>Wells,</i>	. . . Capt. Joshua Bragden.
<i>Berwick,</i>	. . . Major Joseph Prime.
<i>Arundel,</i>	. . . John Hovey, Esq.
<i>Biddeford,</i>	. . . Hon. James Sullivan, Esq.
<i>Pepperrell-</i>	} Thomas Cutts, Esq.
<i>borough,</i>	

COUNTY OF WORCESTER.

<i>Worcester,</i>	. . Samuel Curtis, Esq.
<i>Lancaster,</i>	. . William Dunsmore, Esq., Mr. Samuel Thurston.
<i>Mendon,</i>	. . Edward Rawson, Esq.
<i>Brookfield,</i>	. . Capt. John Lyscom.
<i>Oxford,</i>	. . Capt. William Hancock.
<i>Charlton,</i>	. . Mr. Caleb Ammidown.
<i>Sutton,</i>	. . Amos Singletary, Esq.
<i>Leicester,</i>	. . Major Seth Washburn.
<i>Rutland,</i>	. . Mr. John Fessenden.
<i>Westborough,</i>	. . Dr. James Hawes.
<i>Northborough,</i>	Mr. John Ball.
<i>Shrewsbury,</i>	. . Lieut. Charles Bouker.
<i>Lunenburg,</i>	. . Mr. Nathaniel Gorham.
<i>Uxbridge,</i>	. . Col. Nathan Tyler.
<i>Northbridge,</i>	. . Mr. Jonathan Bacon.
<i>Harvard,</i>	. . Mr. Oliver Whitney.
<i>Bolton,</i>	. . Samuel Baker, Esq.
<i>Sturbridge,</i>	. . Capt. Timothy Parker.
<i>Hardwick,</i>	. . Mr. William Page.
<i>Grafton,</i>	. . Capt. Nathaniel Sherman.
<i>Petersham,</i>	. . Mr. Timothy Whitney.
<i>Westminster,</i>	. . Mr. Joseph Miller.
<i>Athol,</i>	. . . Capt. John Haven.
<i>Templeton,</i>	. . Capt. Ezekiel Knowlton.
<i>Dudley,</i>	. . Jedediah Marey, Esq.
<i>Paxton,</i>	. . Capt. Phineas Moore.
<i>Barre,</i>	. . Col. Nathan Sparhawk.

COUNTY OF CUMBERLAND.

Falmouth, Capt. Joseph Noyes,
 Samuel Freeman, Esq.,
 Clerk.
North Yar- } John Lewis, Esq.
mouth, }
Scarborough, . Capt. Samuel Larabee.
Gorham, . . . Col. Edmund Phinney.
Cape Elizabeth, Clement Jordan, Esq.
Brunswick, . Mr. Samuel Stanwood.
Harpswell, . Capt. Isaac Snow.

COUNTY OF BERKSHIRE.

Williamstown, Mr. Josiah Dwight.
Lanesborough, Col. Jonathan Smith.
Pittsfield, . . Col. John Brown.
Stockbridge, . Mr. John Bacon.
Sandisfield, . Mr. James Ayrault.
Gageborough, . Capt. Arnold Lewis,
 Capt. William Clark.
Hancock, . . Mr. William Hammond.
Egremont, . Ephraim Fitch, Esq.
Tyringham, . Col. Giles Jackson.
Richmond, . Mr. David Rossiter.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 1778.

CHAPTER 1.

RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE
PEACE AND INFERIOR COURT OF COMMON PLEAS FOR BRISTOL
COUNTY.

WHEREAS it is represented to this Court that there is not much business likely to come before the Court of General Sessions of the Peace and Inferiour Court of Common Pleas to be holden at Taunton within and for the County of Bristol on the second Tuesday of June next: Therefore

Legislative
Records of the
Council,
xxxviii., 531.
Mass.
Archives,
ccxviii., 441.

Resolved that the said Court of General Sessions of the Peace and Inferior Court of Common Pleas by law to be held at Taunton, within and for the County of Bristol, on the second Tuesday of June next, shall be holden at Taunton on the second Tuesday of September next; and that all writs, processes and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace and Inferior Court of common Pleas, appointed by law to be holden at Taunton, and all matters, causes and things that have day, or that might have been had, moved or done at, in or by the said Court, at the time so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done at, in and by the said Court, at the time appointed for holding the same; and the Secretary is hereby directed to publish this Resolve in the next Monday's and Thursday's news papers. [*Passed May 29.*]

CHAPTER 2.

RESOLVE DIRECTING THE REMOVAL OF ENOCH GERRISH TO
WORCESTER GOAL.

WHEREAS Enoch Gerrish of Lancaster, in the County of Worcester, hath some time since been apprehended and committed to the goal in York, by a warrant from the Council as a person dangerous to the United States, and it is necessary that the said Enoch Gerrish should be removed to the County of Worcester for his tryal &c.: Therefore

Legislative
Records of the
Council,
xxxviii., 513.
Mass.
Archives,
ccxviii., 442.

Resolved that the Sheriff of the County of York be, and he hereby is directed forthwith to remove the said Enoch Gerrish from the goal in said County of York, and deliver him to the keeper of the common goal in the said County of Worcester, together with a copy of this Order; and the Sheriff of the said County of Worcester is hereby directed to retain the said Enoch Gerrish

in safe custody untill the next sitting of the Superior Court at Worcester, within and for the said County of Worcester, that so he may be brought to tryal and dealt with agreeable to law. [*Passed May 30.*¹]

CHAPTER 3.

RESOLVE FOR PAYMENT OF MEMBERS OF THE COMMITTEE ON ACCOUNTS.

Legislative
Records of the
Council,
xxxviii., 532.
Mass.
Archives,
ccxviii., 446.

Resolved that there be paid at the expence of the State to those members of this House, who shall be of the Committee for examining and passing on accounts, three fourths of their pay as members of the House, for the time they shall attend while the General Assembly is sitting. [*Passed May 30.*]

CHAPTER 4.

RESOLVE APPOINTING A COMMITTEE ON ACCOUNTS.

Legislative
Records of the
Council,
xxxviii., 532.
Mass.
Archives,
ccxviii., 446.

In the House of Representatives.

Resolved that John Greenough Esq^r, Seth Washburn Esq^r, Jonathan Webster Esq^r, Thomas Durfey Esq^r, Cap^t Joseph Hosmer, Cap^t Joseph Noyes and George Partridge Esq^r, be and they are hereby appointed a Comm^{ee} on the part of this House, whose business it shall be to receive, examine and pass upon all accounts (not otherwise ordered), which shall be exhibited to them for allowance, in pursuance of any Resolve or Order of the General Court, provided such accounts shall be properly vouched and authenticated; and the doings of said Comm^{ee} respecting such accounts, or any four of them (who are hereby appointed a quorum), shall be considered as valid as any Vote or Resolve of this House, during the recess as well as in the sitting of the General Court. And it is further

Resolved that the Hon^{ble} Council, or such Comm^{ee} as they shall appoint on their part, be and they are hereby impowered, both in the sitting and recess of the Court, to concur all such accounts as shall have been allowed by the Comm^{ee} of the House as aforesaid; and the Council are hereby authorized to issue their warrants, from time to time, on the Treasurer of this State in favour of said Comm^{ee} of Council, for such sum or sums of money as they (y^e Council) shall judge necessary for the payment of such accounts; provided y^e amount of such warrants shall not exceed the sum of Ten thousand pounds, said Comm^{ee} to be accountable for the money which they shall so receive. And it is also

Resolved that the Comm^{ee} on the part of the House shall keep a particular account, expressing the names of the persons whose accounts they shall allow, the Towns they belong to, and the sums allowed to them respectively; and the Secretary of this State is hereby directed to keep all those accounts which shall be paid in pursuance of the above Resolves in separate files, to be laid before the House for inspection when called for.

In Council

Read and Concurred and Jabez Fisher, Benjamin White and Daniel Davis Esq^r, are joined. [*Passed May 30.*]

¹ This date is May 29 according to Legislative Records of the Council.

CHAPTER 5.

RESOLVE PERMITTING WILLIAM HASWELL AND FAMILY TO PROCEED TO HALIFAX.

UPON THE PETITION of William Haswell, an half pay officer in the service of his Britannic Majesty, praying for leave to depart this State with his wife and children for Halifax at the public expence.

Legislative
Records of the
Council,
xxxviii., 534.
Mass.
Archives,
ccxviii., 449.

Resolved that the said W^m Haswell have and he hereby has leave to depart in the first Cartel for Halifax, with his wife and children at the public expence, he giving his parole to Maj^r Gen^l Heath, Commander-in-Chief of the Continental Army in this department. [*Passed May 30.*]

CHAPTER 6.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE PAY ROLLS.

In the House of Representatives.

Resolved that Stephen Metcalf, Jonathan Brown and Ezra Sargent Esq^{rs}, with such as the Hon^{ble} Board shall join, be and they are hereby appointed a Comm^{ee} to examine and pass upon the pay rolls of such troops as are or may be raised in the pay of this State; and the Hon^{le} Council are hereby desired to draw warrants for the payment of such rolls as they, the Comm^{ee}, shall allow, provided that the rolls so passed shall be agreeable to the Resolves and Orders of the General Court.

Legislative
Records of the
Council,
xxxviii., 535.
Mass.
Archives,
ccxviii., 450.

In Council Read and Concurred and Abraham Fuller & Oliver Wendell Esq^{rs}, are joined. [*Passed June 2.*]

CHAPTER 7.

RESOLVE ON THE PETITION OF JONATHAN GROUT AND OTHERS.

ON THE PETITION of Jonathan Grout and others, in behalf of the Town of Petersham, praying that said Town may be impowered to sell the ministerial lands lying in and belonging to said Town, and the money arising from such sale to remain forever as a fund, and the interest arising therefrom to be annually appropriated for the support of the gospel ministry in said Town.

Legislative
Records of the
Council,
xxxviii., 536.
Mass.
Archives,
ccxviii., 451.

Resolved that the prayer of the petitioners be granted, and [that]¹ the said Town of Petersham be and they are hereby im[powered]¹ to sell the whole or any part of said lands, [and to give a]¹ good and lawful deed or deeds of the same; provided the money which may arise from the sale of said lands shall remain forever as a fund, and the interest arising therefrom shall be annually appropriated to the purposes for which said lands were originally granted to said Town. [*Passed June 3.*]

Mass.
Archives,
ccxviii., 452,
453.

¹ Text inserted from Legislative Records of the Council.

CHAPTER 8.

RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS FOR WORCESTER COUNTY.

Legislative
Records of the
Council,
xxxviii., 537.
Mass.
Archives,
ccxviii., 454.

WHEREAS it is represented to this Court that there is not much business likely to come before the Court of General Sessions of the Peace and Inferiour Court of Common Pleas to be holden at Worcester, within and for the County of Worcester, on the second Tuesday of June instant: Therefore

Resolved that the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas, by law to be held at Worcester, within and for the County of Worcester, on the second Tuesday of June instant, shall be holden at Worcester aforesaid on the first Tuesday of September next; and that all writs, processes and recognizances returnable to, and all appeals made to the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas, appointed by law to be holden at Worcester, and all matters, causes and things that have day, or that might have been had, moved or done at, in or by the said Court, at the time so appointed for holding the same, shall be returnable to and may be entered, prosecuted, had, moved and done at, in and by the said Court, at the time appointed for holding the same. And the Secretary is hereby directed to publish this Resolve in the next Boston and Worcester news papers. [*Passed June 3.*]

CHAPTER 9.

RESOLVE IMPOWERING THE BOARD OF WAR TO SELL A CAPTURED VESSEL AND CARGO AT PUBLIC AUCTION.

Legislative
Records of the
Council,
xxxviii., 537.
Mass.
Archives,
ccxviii., 455.

Mass.
Archives,
clviii., 353;
ccxviii., 456.

ON THE PETITION of the Board of War of this State, purporting that by a Resolve of Congress of the 11th of May last, said Board are requested to make sale of the Snow called Our Lady of Mount Carmel and St Antonio and her cargo, taken on her passage from y^e Brazils to Fayal, which vessel is said to be the property of some of the subjects of the King of Portugal; and whereas y^e selling said vessel and cargo at private sale may be attended with bad consequences: Therefore

Resolved that y^e Board of War be, and they are hereby empowered to sell said Snow and cargo according to said Resolve of Congress at publick auction, any law or Resolve of the General Court to the contrary notwithstanding. [*Passed June 3.*]

CHAPTER 10.

RESOLVE PROVIDING FOR THE SETTLEMENT OF ACCOUNTS DUE TO AND FROM THE LATE TREASURER HARRISON GRAY.

Legislative
Records of the
Council,
xxxviii., 538.
Mass.
Archives,
ccxviii., 457.

WHEREAS there are many debts due from several persons to this State by Bond, Note or on Account, which were due in the time of the late Treasurer Harrison Gray, and doubts have arisen whether the Treasurer for the time being has authority to demand such debts and discharge such contracts:

It is

Resolved that Henry Gardner Esq^r, or his successor in said office, be authorized and impowered to call upon, demand and if need be, to sue such persons as were indebted to the government of the Massachusetts Bay in the time of the late Treasurer Gray, and on receipt of such sums as are due, to discharge the contracts and give up the obligations that were made with or given to the said Treasurer Gray in behalf of the government aforesaid. [*Passed June 3.*]

CHAPTER 11.

APPOINTMENT OF NATHAN NYE, JUN^r, AS ADJUTANT OF THE 1ST BARNSTABLE COUNTY REGIMENT.

In the House of Representatives

The House by ballot made choice of M^r Nathan Nye, Jun^r, as Adjutant for the first Regiment of Militia in the County of Barnstable.

In Council

Read & Concurred. [*Passed June 3.*]

Legislative
Records of the
Council,
xxxviii., 539.
Mass.
Archives,
ccxviii., 458.
Mass.
Archives,
ccxviii., 459.

CHAPTER 12.

RESOLVE PERMITTING REV^d WILLIAM CLARK AND FAMILY TO PROCEED TO NEWPORT.

WHEREAS the Rev^d William Clark of Dedham obtained leave of the General Court in the last April session, to depart from this State for Halifax with his family and effects, but so it happens that the said Clark is disappointed of a passage to Nova Scotia, and an opportunity presenting for him with his family to go to Newport: Therefore

Resolved that the Rev^d William Clark of Dedham be, and he hereby is permitted to depart from this State with his family & effects for Newport, in one of the British transport-ships now in the harbour of Boston, the Resolve of the twenty-eighth of April last notwithstanding. [*Passed June 3.*]

Legislative
Records of the
Council,
xxxviii., 539.
Mass.
Archives,
ccxviii., 460.

CHAPTER 13.

RESOLVE ON THE PETITION OF COL^o ABIJAH STEARNS.

ON THE MEMORIAL of Col^o Abijah Stearns.

Resolved that the Board of War be and hereby are directed to supply Col^o Stearns, with eight Fire Arms for the use of the men under his command; he giving his obligation to return the same in good repair, and being accountable for the sum of four shillings for the use of each Fire Arm so received. [*Passed June 3.*]

Legislative
Records of the
Council,
xxxviii., 539.
Mass.
Archives,
ccxviii., 461.
Mass.
Archives,
ccxviii., 462.

CHAPTER 14.

RESOLVE ON THE PETITION OF A COMMITTEE OF THE TOWN OF DOUGLAS.

Legislative
Records of the
Council,
xxxviii., 540.
Mass.
Archives,
ccxviii., 465.

Mass.
Archives,
ccxviii., 466-
469.

ON THE PETITION of a Committee of the Town of Douglass, praying that a grant may be made them for the purpose of mending the publick road leading from Boston to Hartford, as set forth in said Petition.

Resolved that there be paid out of the Treasury of this State to the Select Men of the said Town of Douglass, the sum of One hundred and fifty pounds, to be laid out by them in mending that part of said road which is mentioned in said Petition, they to be accountable to this Court for the expenditure of the same for the purpose aforesaid. [*Passed June 4.*]

CHAPTER 15.

RESOLVE ON THE PETITION OF THE SELECTMEN AND COMMITTEE OF CORRESPONDENCE OF HARDWICK.

Legislative
Records of the
Council,
xxxviii., 538.
Mass.
Archives,
ccxix., 437-
439.

Mass.
Archives,
ccxix., 440-
443.

ON THE PETITION of the Selectmen and Committee of Correspondence of the Town of Hardwick, setting forth that Jonathan Danforth of said Hardwick, hath conducted in an inimicall manner towards this and the United States &c, and has commenced two actions at law; one against Timothy Page, the other against Thomas Robinson, both of said Town, which actions are to be tried at the next Inferiour Court of Common Pleas, to be holden at Worcester on the second Tuesday of June instant.

Resolved that the petitioners serve Jonathan Danforth of Hardwick, with a copy of their Petition and the Order thereon, that cause may be shewn, if any there be, on the second Tuesday of the next sitting of the General Court, wherefore the prayer of said Petition should not be granted; and notice be given to said Danforth fourteen days at least before the second Tuesday aforesaid, and that all processes brought against the inhabitants of said Hardwick by said Danforth be stayed in the meantime. [*Passed June 4.*]

CHAPTER 16.

ORDER APPOINTING A COMMITTEE TO EXAMINE ACCOUNTS.

Mass.
Archives,
ccxviii., 463.

In Council

Ordered that Benj^a Austin Esq^r, with such as the Honourable House shall join, be a Committee to examine the accounts of the Committee chosen by y^e Board the last year, to receive, examine and pay accounts for services done or articles supplied by order of y^e General Court, or any Congress of this State &c, and make report.

In the House of Representatives

Read and concurred and M^r Bacon and M^r Ward are joined in the affair. [*Passed June 4.*]

CHAPTER 17.

RESOLVE FOR APPREHENDING STEPHEN HOLDEN, COLLECTOR OF TAXES.

WHEREAS it appears to this Court that Stephen Holden, a collector of taxes for the Town of Shirley for the year 1777, has misbehaved himself in the execution of that trust and refuses to obey the Order of the General Court made thereon in April last:

Therefore

Resolved that the Sheriff of the County of Middlesex, or either of his deputies, be directed and impowered to take the body of the said Stephen Holden and bring him before this Court forthwith to answer for his contempt of the authority aforesaid. [*Passed June 5.*]

Legislative
Records of the
Council,
xxxviii., 541.
Mass.
Archives,
ccxix., 20.

Mass.
Archives,
ccxix., 19-22.

CHAPTER 18.

RESOLVE ON THE PETITION OF EZRA KNAP.

ON THE PETITION of Ezra Knap, praying for an allowance for a horse he lost on a journey to Skeansborough, on the alarm by the defeat of the fleet in Lake Champlain in October Seventeen hundred and seventy-six.

Resolved that the prayer of the Petition be granted, and that there be paid out of the Treasury of this State unto the said Ezra Knap, or his order, the sum of Nine pounds ten shillings in full for the loss of said horse. [*Passed June 5.*]

Legislative
Records of the
Council,
xxxviii., 541.

CHAPTER 19.

RESOLVE ON THE PETITION OF COL^O ABIJAH BROWN.

ON THE PETITION of Col^O Abijah Brown praying that a number of militia-men mentioned in his petition, who are now on their march to join their regiment at North River, may be supplied with Fire Arms and accoutrements.

Resolved that the Board of War be, and they hereby are directed to deliver to said Col^O Brown twenty-two Fire Arms and accoutrements for the use of said men, he giving security to said Board of War that said Fire Arms and accoutrements shall be returned in good repair at the expiration of their tour of duty; and that there be stopped out of each one's wages who shall so receive Fire Arms, the sum of ten shillings for the use of the same, unless any one or more shall choose to purchase said Fire Arms and accoutrements, in which case the Board of War are directed to sell to such as choose to purchase and give them a receipt for their payment. [*Passed June 9.*]

Legislative
Records of the
Council,
xxxviii., 544.
Mass.
Archives,
ccxviii., 475.

Mass.
Archives,
ccxviii., 476.

CHAPTER 20.

RESOLVE APPOINTING MEMBERS OF THE COMMITTEE FOR DETERMINING DISPUTES BETWEEN TOWNS CONCERNING THEIR RESPECTIVE QUOTAS.

Legislative
Records of the
Council,
xxxviii., 545.
Mass.
Archives,
ccxviii., 478.

Resolved that Mr Lemuel Kollock be and hereby is appointed on the Committee for determining disputes arising from returns of the same men made by several Towns in the County of Suffolk, agreeably to a Resolve of the 28th of April last, in the room of Thomas Crane Esq^r, who is under inoculation for the Small Pox. Also

Resolved that Benjamin Brown Esq^r, and Capt. Stephen Dana be of the Committee for determining like disputes in the County of Middlesex, in the room of Col^o Brooks, who is otherwise engaged, and Capt Hosmer, who is under inoculation for the Small Pox. [*Passed June 9.*]

CHAPTER 21.

RESOLVE DIRECTING THE TREASURER TO RECEIVE BILLS OF CREDIT FROM CONSTABLES AND COLLECTORS OF TAXES.

Legislative
Records of the
Council,
xxxviii., 545.
Mass.
Archives,
ccxviii., 477.

WHEREAS it is represented to this Court that some Constables and Collectors in this State are possessed of considerable sums of Bills of Credit emitted by this State, which were received as taxes from their several Towns before the first of December last; and as the time limited by a Resolve of the General Court of January 12th last, giving liberty to the Constables and Collectors to pay in the aforesaid Bills of Credit to the Treasury of this State expired the first of April last: Therefore

Resolved that the Treasurer of this State be and he hereby is impowered and directed to receive of the several Constables and Collectors all such sums of Bills of Credit emitted by this State, which they have received from their several Towns as public taxes on or before the first of December last; provided such Constable or Collector make oath that said money was received as aforesaid, and provided the same be paid into the Treasury on or before the first of September next, any law or resolve to the contrary notwithstanding. [*Passed June 9.*]

CHAPTER 22.

RESOLVE FOR PAYING SOLOMON FREEMAN, ESQ^r, FOR HIS ATTENDANCE AT THE GENERAL COURT, ETC.

Legislative
Records of the
Council,
xxxviii., 546.
Mass.
Archives,
ccxix., 12.

WHEREAS through some mistake Solomon Freeman Esq^r, of Harwich, received no pay for his attendance in the House of Representatives the last year twenty-four days and travel one hundred miles: Therefore

Resolved that the Treasurer of this State be ordered to pay said Solomon Freeman out of the Treasury Eight pounds ten shillings for said service, and that the same be added to the next State tax that shall be assessed on said Town of Harwich. [*Passed June 9.*]

CHAPTER 23.

RESOLVE EXEMPTING THE TOWN OF FALMOUTH FROM RAISING
MEN AGREEABLE TO RESOLVE OF APRIL 20, 1778.

WHEREAS the Town of Falmouth have voluntarily sent into the Continental Army fifty men to serve untill the last day of November next, which noble exertion deserves notice & encouragement:
It is

Resolved that the Town of Falmouth be exempted from sending any men in pursuance of the Resolve of the General Assembly of the 20th of April to fill up the Continental Army by a reinforcement for nine months, and another Resolve of the same date for fortifying the passes on the North River; and that said Town be paid the bounty and pay granted to those who reinforce the Continental Army for nineteen men, and the same pay for fifteen men as is given to those who are raised to fortify the passes on the North River. [*Passed June 9.*]

Legislative
Records of the
Council,
xxxviii., 546.
Mass.
Archives,
ccxviii., 481.
Mass.
Archives,
ccxviii., 479,
480.

CHAPTER 24.

RESOLVE IMPOWERING ABNER MORTON AND SIBBIL WOODWARD,
ADMINISTRATORS, TO SELL REAL ESTATE.

ON THE PETITION of Abner Morton and Sibbil Woodward, Administrators of the estate of Joseph Woodward, late of Warwick, in the County of Hampshire, yeoman, deceased, praying that they may be empowered to make sale of the real estate of the said Joseph Woodward deceased, consisting of several small parcels of land, for the reasons set forth in said petition.

Resolved that said Abner Morton and Sibbil Woodward be, and they hereby are authorized and empowered in their said capacity, to make sale of the above mentioned parcels of land for the most the same will fetch, and make and execute a good deed or deeds of sale of the same; they the said Abner Morton and Sibbil Woodward giving proper security to the Judge of Probate for the said County of Hampshire, that the neat proceeds arising by said sale or sales, after the payment of the just debts of the deceased, shall be paid to the heirs or legal representatives of the said deceased, in such proportion as intestate estates are divided by the law or laws of this State; and that an adjustment of the whole affair shall be made with the said Judge of Probate, agreeable to this Resolve. [*Passed June 9.*]

Legislative
Records of the
Council,
xxxviii., 546.
Mass.
Archives,
ccxix., 1.
Mass.
Archives,
ccxix., 2, 3.

CHAPTER 25.

RESOLVE IMPOWERING SAMUEL WOODWARD, ADMINISTRATOR, TO
SELL REAL ESTATE.

ON THE PETITION of Samuel Woodward of Newton, in the County of Middlesex, Administrator of the estate of Daniel Woodward, late of said Newton, yeoman, deceased, praying that he may be authorized in his said capacity, to make sale of the whole of the real estate of said deceased, consisting of about sixteen acres of land in said Newton, for the reasons set forth in said Petition.

Resolved that said Samuel Woodward be, and he hereby is authorized and empowered in his said capacity, to make sale of the

Legislative
Records of the
Council,
xxxviii., 547.
Mass.
Archives,
ccxix., 4.
Mass.
Archives,
ccxix., 5-7.

whole of the above mentioned real estate for the most the same will fetch, and make and execute a good deed or deeds of the same; he giving proper security to the Judge of Probate for the said County of Suffolk, that the neat proceeds arising by said sale or sales, what remains thereof after the payment of the just debts of said Daniel Woodward, deceased, and the necessary charges of sale, shall be paid to the heirs of said deceased, or their legal representatives, in such proportion as intestate estates are divided by the laws of this State. [*Passed June 9.*]

CHAPTER 26.

APPOINTMENT OF FIELD OFFICERS OF THE 2ND BRISTOL COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 548.
Mass.
Archives,
ccix., 8.

In the House of Representatives

The House by ballot unanimously made choice of the following Gentlemen as officers of the second Regiment of Militia in the County of Bristol, viz^t.

John Hathaway	Colonel
Sylvester Richmond the third;	Lieut Colonel
Manasseh Kempton	first Major
Joseph Durfee	second Major.

In Council

Read & Concurred. [*Passed June 9.*]

CHAPTER 27.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH PAPER FOR THE STATE LOTTERY TICKETS.

Legislative
Records of the
Council,
xxxviii., 548.
Mass.
Archives,
ccix., 9.

Resolved that the Board of War be, and they hereby are directed to deliver to the Hon^{ble} Oliver Wendell Esq^r, and others, Managers of this State's Lottery, a quantity of writing paper sufficient for printing the tickets for said Lottery or Lotteries, the said Managers to be accountable to the General Court for the same. [*Passed June 9.*]

CHAPTER 28.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF YORK COUNTY.

Legislative
Records of the
Council,
xxxviii., 548.
Mass.
Archives,
ccix., 10.

WHEREAS it appears upon examination of the accounts of the Treasurer of the County of York, that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the year 1778 [1777] were for such purposes and appropriations as the law empowered said Court to grant: Therefore

Resolved that said account be allowed, and that the said Treasurer be further accountable for the sum of Thirty six pounds, two shillings and eleven pence half penny, a sum that remains due in his hands. [*Passed June 9.*]

CHAPTER 29.

RESOLVE ON THE PETITION OF DANIEL LOOMISS.

UPON THE PETITION of Daniel Loomiss, praying for compensation for a horse he lost in an alarm to Bennington.

Resolved that the prayer of the Petition be granted, and that there be paid out of the Treasury of this State the sum of Fifteen pounds, in full compensation for said horse. [*Passed June 9.*]

Legislative
Records of the
Council,
xxxviii., 549.

CHAPTER 30.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION AND BOARD OF WAR TO LAY THEIR ACCOUNTS BEFORE THE GENERAL COURT.

WHEREAS it is necessary that all public accounts should be settled as often as may be, and as no accounts have yet been received from the Board of War and the Committee of Sequestration: Therefore

Resolved that the Board of War and Committee of Sequestration be, and they hereby are ordered and directed immediately to lay their accounts before the General Court, and that the Secretary be directed to serve them with a copy of this Resolve. [*Passed June 9.*]

Legislative
Records of the
Council,
xxxviii., 549.
Mass.
Archives,
ccix., 11.

CHAPTER 31.

RESOLVE ON THE PETITION OF JOHN HOGAN.

ON THE PETITION of John Hogan.

Resolved that the sum of Four pounds ten shillings be paid out of the publick Treasury of this State to John Hogan, in lieu of that sum stopped out of his bounty for a gun and bayonet, which he has returned into the public store. [*Passed June 10.*]

Legislative
Records of the
Council,
xxxviii., 549.

CHAPTER 32.

RESOLVE ADDING ABIEL MITCHELL, ESQ^r, TO THE COMMITTEE TO COLLECT CLOTHING IN BRISTOL COUNTY.

Resolved that Abiel Mitchell Esq^r, be of the Committee to collect cloathing in the County of Bristol for the use of the army, in the room of M^r Durfey, excused. [*Passed June 10.*]

Legislative
Records of the
Council,
xxxviii., 550.
Mass.
Archives,
ccix., 32.

CHAPTER 33.

RESOLVE PERMITTING THOMAS BOYLSTON TO GO TO GREAT BRITAIN.

ON THE PETITION of Thomas Boylston, praying for leave to go to Great Britain.

Resolved that the prayer of said Petition be granted, and that the said Thomas Boylston be, & he hereby is permitted to take

Legislative
Records of the
Council,
xxxviii., 550.

Mass.
Archives,
ccxix., 33.

Mass.
Archives,
clxxxiv., 152

passage for Great Britain in the most convenient way that presents, and after having transacted the business mentioned in his Petition, he be allowed to return to any part of America; provided that before his sailing for Great Britain, he gives bond to the Treasurer of this State for the sum of Ten thousand pounds, with one sufficient surety, that he will do nothing to the prejudice of this or any of the United States during his absence, and that he will return to this or some of the United States within four years from the date of this Resolve and pay his proportion of the charges of the present war. [*Passed June 10.*]

CHAPTER 34.

APPOINTMENT OF FIELD OFFICERS OF THE 3RD YORK COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 551.
Mass.
Archives,
ccxix., 29.

In the House of Representatives
The House by ballot unanimously made choice of the following Gentlemen as Field Officers for the third Regiment of Militia in the County of York, viz^t.

Thomas Cutts	.	.	.	.	.	.	.	Colonel
Jonathan Stone	.	.	.	.	.	.	.	Lieut. Colonel
Humphrey Pike	.	.	.	.	.	.	.	first Major
Samuel Waterhouse	.	.	.	.	.	.	.	second Major.

In Council
Read and Concurred. [*Passed June 10.*]

CHAPTER 35.

APPOINTMENT OF FIELD OFFICERS OF THE 1ST YORK COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 551.
Mass.
Archives,
ccxix., 24.

In the House of Representatives
The House by ballot made choice of the following Gentlemen as Field Officers for the first Regiment of Militia in the County of York, viz.

Edward Grow	.	.	.	.	.	.	.	Colonel
John Littlefield	.	.	.	.	.	.	.	Lieut. Colonel
John Nowell	.	.	.	.	.	.	.	first Major
Daniel Littlefield	.	.	.	.	.	.	.	second Major

In Council
Read and Concurred. [*Passed June 10.*]

CHAPTER 36.

RESOLVE DIRECTING THE SHERIFF OF BRISTOL COUNTY TO APPREHEND JERATHMEEL BOWERS.

Legislative
Records of the
Council,
xxxviii., 551.
Mass.
Archives,
ccxix., 30.

WHEREAS General Sullivan has represented to this Court that Jerathmeel Bowers Esq^r, of Swanzev, is too great an enemy to the American cause and too dangerous a person to be permitted to remain near the army at Rhode Island, and has desired this Court to take some measures to remove him into the country at some considerable distance from the seat of war:

Resolved that the Sheriff of the County of Bristol be, and he

hereby is directed forthwith to apprehend the said Jerathmeel Bowers, and bring him before the Council of this State to answer to the complaint aforesaid; and that the Sheriff be and he is hereby directed to serve Gen^l Sullivan with a copy of this Resolve, that he may have it in his power to communicate such evidence against said Bowers as he is or may be possessed of, also serve the Selectmen of the Town of Swanzey with a copy of Gen^l Sullivan's complaint against said Bowers, who are hereby directed to furnish the Council with such evidence as they may have of the malefeasance of the said Bowers for one year last past. [*Passed June 10.*]

CHAPTER 37.

APPOINTMENT OF FIELD OFFICERS OF THE 2ND YORK COUNTY REGIMENT.

In the House of Representatives
The House by ballot unanimously made choice of the following Gentlemen as Field Officers for the second Regiment of Militia in the County of York, viz^t.

Ichabod Goodwin	.	.	.	.	.	.	.	Colonel
Joseph Prime	.	.	.	.	.	.	.	Lieut. Colonel
John Shapley	.	.	.	.	.	.	.	first Major
Samuel Leighton	.	.	.	.	.	.	.	second Major.

Legislative
Records of the
Council,
xxxviii., 552.
Mass.
Archives,
ccxix., 27.

In Council
Read & Concurred. [*Passed June 10.*]

CHAPTER 38.

RESOLVE ON THE COMPLAINT OF THE ASSESSORS OF SHIRLEY AGAINST STEPHEN HOLDEN, COLLECTOR OF TAXES.

WHEREAS it appears to this Court that Stephen Holden, Collector of Taxes for the Town of Shirley, in the State of Massachusetts Bay, now under the arrest of the Sheriff of the County of Middlesex in said State, by order of the General Court, has contemptuously disregarded the order and Resolve of said Court made and passed April 7, 1778:

Legislative
Records of the
Council,
xxxviii., 553.
Mass.
Archives,
ccxix., 14-17.

Resolved that the said Stephen Holden pay as a fine to the Receiver General of this State for his contempt aforesaid, the sum of Ten pounds for the use of said State, and that he, the said Stephen, deliver to John Ivory, John Longley and John Pierce, Assessors of said Town for the year 1777, the State Tax bill of that year for the same Town, for the purposes mentioned in the said Resolve of the seventh of April last, and pay said Assessors the whole sum that he has received of the inhabitants and others borne on said tax bill, that it may be repaid; and that he pay the said Assessors the sum of Twenty pounds, in full satisfaction of cost and charges they have been at in the premises, and that he deliver the said Assessors the warrant given him to collect the Town tax of the year 1777.

And said Assessors are hereby impowered and directed to issue another warrant, formed to the sum of said tax, to the said Stephen to enable him to collect said Town tax, and that the said Stephen Holden pay William Parkman, the Deputy Sheriff, in whose care he now is, his lawful fees for conveying him to Watertown by order of the General Assembly, and all reasonable cost,

he, the said William Parkman, may be at in prosecuting this Resolve.

And the said William Parkman, Deputy Sheriff of the County of Middlesex, is hereby ordered and directed to continue the said Stephen Holden under his care and keeping, not exceeding three days after they arrive at Shirley aforesaid, that he may have opportunity to comply with this Resolve; and at the Expiration of the said three days, if the said Stephen shall neglect or refuse to comply with this order, then the said William shall commit the said Stephen Holden to the goal of the County of Middlesex, there to remain till he shall comply with this Resolve; and the goaler of said County is hereby directed to receive him, the said Stephen Holden accordingly. And it is hereby provided that if the said Stephen Holden shall still remain obstinate and contemptuous to the orders of this Court, and in consequence thereof be committed to the goal of said County, the aforesaid Assessors are hereby directed to represent the same to this Court, that further order may pass thereon, that the State or the Town of Shirley be not injured; and in case the said Stephen Holden shall conform to this Resolve, the Assessors aforesaid shall deliver said tax of 1777, when made conformable to law, to the said Stephen, according to the Resolve of the 7th of April aforesaid, and the said Stephen is hereby impowered to collect the same accordingly.

And it is further

Resolved that the Assessors aforesaid upon their receipt of y^e money the said Stephen has collected of the inhabitants of said Shirley and others borne on said tax bill, shall repay the same to each individual in the same proportion the said Stephen collected it, and discharge the said Stephen by giving him a receipt therefor; and the Assessors receipt as aforesaid the said Stephen may plead in bar to any action that may be brought against him by any individual for the recovery of the sum he has paid on said tax to the said Stephen. [*Passed June 10.*]

CHAPTER 39.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER FIRE ARMS ETC., TO LIEUT. COL^o ABIJAH BROWN.

WHEREAS some doubts have arisen with respect to the Resolve on the Petition of Lieut. Col^o Abijah Brown of the 9th instant, for solving of which it is

Resolved that the Board of War be directed without delay to deliver to Lieut. Col^o Abijah Brown, twenty-two Fire Arms and accoutrements compleat for the use of that number of men belonging to the regiment of militia from this State, commanded by Col^o Poor; and that the Board of War take an obligation of Lieut. Col^o Brown for the return of the arms and accoutrements aforesaid in good order, at the expiration of the term for which said regiment is raised, and also said Brown's obligation for ten shillings for the use of each Fire Arm and accoutrement delivered as aforesaid, as also to pay the said Board of War for each of the said arms and accoutrements as may be deficient, or that may be purchased by any of the men, such price as they shall determine, and that the Board of War be directed to set the price of said Fire Arms and accoutrements previous to their being delivered out. [*Passed June 10.*]

CHAPTER 40.

RESOLVE ON THE PETITION OF SAMUEL ELLIS AND JOSEPH TOWN.

ON THE PETITION of Samuel Ellis and Benjamin Town, in behalf of their sons, viz. Samuel Ellis and Joseph Town, who have engaged in the Continental service and have received no State bounty.

Legislative
Records of the
Council,
xxxviii., 555.

Resolved that the Treasurer of this State be, and he is hereby directed to deliver to each of said soldiers, or their said fathers, two Treasurer's Notes of the sum of Ten pounds each, as their State bounty, he taking receipts therefor. [*Passed June 10.*]

CHAPTER 41.

RESOLVE ON THE PETITION OF THE INHABITANTS OF BRIDGETON.

ON THE PETITION of the inhabitants of a new Plantation called Bridgeton, in the County of York or Cumberland, praying for an abatement of the public taxes assessed on them by the Assessors of the Town of Fryeburg.

Legislative
Records of the
Council,
xxxviii., 550.
Mass.
Archives,
ccxix., 31.

Resolved that the inhabitants of said Plantation notify the Assessors of said Fryeburg, by serving them with a copy of this Petition with the order thereon, that they shew cause, if any they have, on the second Tuesday of the next sitting of this Court, why the prayer thereof should not be granted; and that the Collector or Collectors of taxes for the said Town of Fryeburg be, and they are hereby ordered to desist and stay from collecting any of said taxes from the inhabitants of said Bridgeton until the further order of this Court. [*Passed June 10.*]

CHAPTER 42.

RESOLVE ON THE PETITION OF BENJAMIN BALCH.

ON A PETITION of Benjamin Balch, setting forth that he hath been drafted by the Militia Officers of the Town of Danvers, to serve as a private in the Continental Army and praying that he may be discharged from said draft.

Legislative
Records of the
Council,
xxxviii., 552.
Mass.
Archives,
ccxix., 24, 25.

Resolved that the said Benjamin Balch be, and he is hereby directed to adhere punctually to the Resolve of the twentieth of April last, which is that any ablebodied man who may be drafted as aforesaid and duly notified thereof, who shall not within twenty four hours after, procure some ablebodied, effective man in his room, to the acceptance of those who drafted him, or within twenty four hours pay them a fine of Twenty pounds, shall be considered as a soldier in the Continental Army for the term of nine months from the time he shall arrive at the place of rendezvous aforesaid, to every intent and purpose, and shall be forthwith delivered over to the Superintendent of the County where he is drafted, who shall immediately march him to the place of rendezvous aforesaid; excepting that the said Balch hath hereby liberty to pay the fine aforesaid any time within seven days from the completing of this Resolve, the time limited for payment of the fine in the Resolve referred to being elapsed notwithstanding. [*Passed June 11.*]¹

Mass.
Archives,
ccxix., 26.

¹ This date is June 10 according to Legislative Records of the Council.

CHAPTER 43.

RESOLVE APPOINTING CAPT. JOSEPH REED ON THE COMMITTEE FOR SETTLING DISPUTES CONCERNING TOWN QUOTAS.

Legislative
Records of the
Council,
xxxviii., 556.
Mass.
Archives,
ccxix., 35.

Resolved that Capt Joseph Reed be of the Committee to settle disputes between Towns respecting men who have enlisted more than once in the County of Middlesex, in the room of Capt Dana excused. [*Passed June 11.*]

CHAPTER 44.

RESOLVE ALLOWING £75 TO LIEUT. FREDERIC DE LESDERNIER.

Legislative
Records of the
Council,
xxxviii., 557.

Resolved that there be paid out of the public Treasury Seventy five pounds to Lieut. Frederic de Lesdernier, to enable him to defray the expences of conducting two of the Maricheet tribe of Indians from Machias to Boston and Watertown and back to Machias again, to be charged to the Continental accompt.

Resolved that the Board of War be directed to procure and deliver to Lieut. Frederic de Lesdernier, for the use of the two Maricheet Indians accompanying him, two handsome laced Indian Hats not exceeding the value of Six pounds each, two silver medals, not exceeding the same value each, and also other small articles which they may choose, not exceeding the sum of Ten pounds in value, and charge the same to the account of this State. [*Passed June 11.*]

CHAPTER 45.

RESOLVE APPOINTING COL^O JOSEPH PRIME ON THE COMMITTEE FOR SETTLING DISPUTES CONCERNING TOWN QUOTAS.

Legislative
Records of the
Council,
xxxviii., 559.
Mass.
Archives,
ccxix., 36.

Resolved that the Hon^{ble} Joseph Simpson Esq, be excused from the Committee for settling disputes between Towns concerning men who have been returned by more than one Town as soldiers in the Continental Army, and that Col^O Joseph Prime serve on said Committee in his room. [*Passed June 11.*]

CHAPTER 46.

RESOLVE IMPOWERING MEHITABLE MOTLEY AND JOSEPH MOTLEY TO EXECUTE A DEED.

Legislative
Records of the
Council,
xxxviii., 559.
Mass.
Archives,
ccxix., 37.

Mass.
Archives,
ccxix., 38, 39.

Resolved that the prayer of the Petition of Mehitable Motley and Joseph Motley, Administratrix and Administrator to the estate of Joseph Motley, late of Chelmsford, deceased, be granted and that the said Mehitable and Joseph be, and they hereby are empowered to make and execute to Barnabas Herrick of said Chelmsford, a deed of such a part of the tract of land which said Motley purchased in April, 1777, in the Towns of Chelmsford and Westford, as said Motley before his decease engaged to said Herrick for the consideration stipulated between the parties, and the deed so made and executed shall be good and valid to all intents and purposes whatever. [*Passed June 11.*]

CHAPTER 47.

APPOINTMENT OF FIELD OFFICERS OF THE 1ST SUFFOLK COUNTY REGIMENT.

In the House of Representatives

The House by ballot made choice of the following Gentlemen as Field Officers for the first Regiment of Militia in the County of Suffolk, viz.

Abijah Draper	:	:	:	:	:	:	:	first Major
George Gould	:	:	:	:	:	:	:	second Major.

Legislative
Records of the
Council,
xxxviii., 560.
Mass.
Archives,
ccix., 40.

In Council

Read & Concurred. [*Passed June 12.*]

CHAPTER 48.

RESOLVE ALLOWING £80 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

Resolved that there be allowed and paid out of the Treasury of this State to John Winthrop, Hollisian Professor of Philosophy and Mathematics in Harvard College, the sum of Eighty pounds, in addition to what has been already granted him by this Court for his services for the year 1777, in consideration of the high prices of provisions and other necessities of life. [*Passed June 12.*]

Legislative
Records of the
Council,
xxxviii., 560.
Mass.
Archives,
ccix., 70.

Mass.
Archives,
ccix., 68, 69.

CHAPTER 49.

RESOLVE ALLOWING £200 TO THE PRESIDENT OF HARVARD COLLEGE.

Resolved that there be allowed and paid out of the Treasury of this State to the Rev^d Samuel Langdon, President of Harvard College, the sum of Two hundred pounds, in addition to the sum already allowed him by this Court for his services for the year 1777, in consideration of the high prices of provisions and other necessities of life. [*Passed June 12.*]

Legislative
Records of the
Council,
xxxviii., 561.
Mass.
Archives,
ccix., 73.

Mass.
Archives,
ccix., 71, 72.

CHAPTER 50.

RESOLVE ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

Resolved that there be allowed and paid out of the Treasury of this State to Edward Wigglesworth, Hollis Professor of Divinity in Harvard College, the sum of One hundred pounds, in addition to what has been already granted him by this Court for his services for the year 1777, in consideration of the high prices of the necessities of life. [*Passed June 12.*]

Legislative
Records of the
Council,
xxxviii., 561.
Mass.
Archives,
ccix., 77.

Mass.
Archives,
ccix., 74-76.

CHAPTER 51.

RESOLVE ON THE PETITION OF THOMAS CUSHING, ESQ^r.

Legislative
Records of the
Council,
xxxviii., 561.
Mass.
Archives,
ccix., 41.

Mass.
Archives,
ccix., 42, 43.

UPON THE PETITION of Thomas Cushing Esq^r, praying for liberty to sell the Schooner Friendship and cargo at auction.

Resolved that the prayer of the Petition be granted and that leave be and hereby is granted to the memorialist, Thomas Cushing Esq^r, to cause said Schooner Friendship or cargo, or both if he think best, to be sold at public auction, any thing in the laws of this State to the contrary notwithstanding. [*Passed June 12.*]

CHAPTER 52.

RESOLVE CONFIRMING THE PROCEEDINGS OF THE INFERIOR COURT OF COMMON PLEAS FOR THE COUNTY OF ESSEX IN MARCH, 1778.

Legislative
Records of the
Council,
xxxviii., 561.
Mass.
Archives,
ccix., 44.

WHEREAS the Inferiour Court of Common Pleas for the County of Essex was not holden at Ipswich, within and for said County, on the last Tuesday of March last, as it ought by law to have been holden, by reason of the sickness of two of the Justices of said Court and of the necessary absence of another of the Justices of the said Court; but the same Court was adjourned by proclamation by the first Justice of said Court, together with a special Justice thereof, to the first Tuesday of June current, to be then holden at Ipswich; and whereas the said Court was holden at Ipswich on the first Tuesday of June aforesaid and the Justices thereof then proceeded upon the usual and legal proceedings by them duly cognizable; and whereas doubts have arisen whether the proceedings of said Justices at the adjournment aforesaid are legal, because one of the Justices by whom said Court was adjourned by proclamation as aforesaid was only a special Justice thereof; for the removal of the said doubt & for confirming and rendering valid and legal the proceedings aforesaid: Be it

Resolved that all the judgments, orders, doings and proceedings of said Justices at the adjournment aforesaid, and of all the officers of said Court, be and hereby are established and confirmed and rendered legal & valid, as fully as the same would have been had the said Court been holden at Ipswich on the last Tuesday of March last in due form of law, and had been adjourned therefrom unto the said first Tuesday of June aforesaid by the Justices thereof in due form of law, and the said judgments, orders, doings and proceedings had been had at such adjournment. [*Passed June 12.*]

CHAPTER 53.

RESOLVE TO PREVENT BRITISH PRISONERS AND DESERTERS FROM ENLISTING INTO THE ARMY.

Legislative
Records of the
Council,
xxxviii., 562.
Mass.
Archives,
ccix., 46.

Mass.
Archives,
ccix., 167.

ON THE RESOLUTION of Congress of the 22^d of May last:

Resolved that all persons who have deserted, or may hereafter desert from the British army or navy be, and they hereby are exempted from doing any militia duty whatever in this State during the present war.

Resolved that all prisoners belonging to, and all deserters from the British army or navy be, and hereby are disqualified from act-

ing as substitutes in the militia of this State, during the present war; and that all contracts and engagements made and entered into, or that may be made and entered into with any such prisoner or deserter, for the purpose of such substitution be, and hereby are rendered null and void; and every such prisoner and deserter is hereby authorized to appropriate to his own use all monies by him received on such contract or agreement. [*Passed June 12.*]

CHAPTER 54.

RESOLVE ON THE PETITION OF LEONARD PROCTOR AND OTHERS.

ON THE PETITION of Leonard Proctor, Jonathan Keep, and others, heirs to the estate of Capt Jabez Keep, late of Harvard, in the County of Worcester, deceased, praying that they may be impowered to sell a piece of land in said Harvard, which was a part of the real estate of Capt Jabez Keep aforesaid, for the reasons set forth in their Petition.

Legislative
Records of the
Council,
xxxviii., 563.
Mass.
Archives,
ccxix., 47.

Mass.
Archives,
ccxix., 48-51.

Resolved that the above named Leonard Proctor and Jonathan Keep be, and they hereby are authorized and impowered to make sale of the piece of land mentioned in the aforesaid Petition for the most the same will fetch, and make and execute a good deed or deeds of sale of the same; they giving proper security to the Judge of Probate for the said County of Worcester, that the neat proceeds arising by said sale or sales shall be divided to and amongst the heirs of the said Capt Jabez Keep, or their legal representatives, in such proportion as each one should and ought to have inherited in the aforesaid piece of land, by virtue of the last will and testament of the aforesaid Jabez Keep, and compleat a settlement of the whole with the said Judge of Probate. [*Passed June 12.*]

CHAPTER 55.

RESOLVE FOR RAISING 1,800 MEN.

WHEREAS it appears that our enemies intend to wreak their vengeance upon those unhappy people whose habitations are near their camp, and to that end have made several excursions lately from Rhode Island and one from the Northward, burning and destroying untill they were checked by our forces; in this situation of our affairs, we think it our indispensable duty to call for a reinforcement of Eighteen hundred men, and we are well assured that those whose situation has placed them at a happy distance from those merciless destroyers will readily fly to the assistance of their brethren, whose dwellings are in the fields of war:

Therefore

Resolved that Eighteen hundred men be raised to serve from the time of their being enlisted or detached untill the first day of January next, unless sooner discharged, in the following manner, viz.

Resolved that the Brigadier or commanding officer of the County of Suffolk shall detach or cause to be detached from his Brigade Two hundred and five men; that the Brigadier or commanding officer of the County of Essex shall detach or cause to be detached from his Brigade Two hundred and sixty men; that the Brigadier or commanding officer of the County of Middlesex shall detach or cause to be detached from his Brigade Two hundred and eighteen

Legislative
Records of the
Council,
xxxviii., 563.
Mass.
Archives,
ccxix., 52-61.

men; that the Brigadier or commanding officer of the County of Worcester shall detach or cause to be detached from his Brigade Two hundred and fifty seven men; that the Brigadier or commanding officer of the County of Hampshire shall detach or cause to be detached from his Brigade One hundred and ninety nine men; that the Brigadier or commanding officer of the County of Berkshire shall detach or cause to be detached from his Brigade One hundred and two men; provided nevertheless, that if any men shall be detached either from the County of Hampshire or Berkshire as a reinforcement to any part of the Northern Army, and actually march before the receipt of this Resolve and continue in service the time required by said Resolve, they shall be considered as a part of the quota assigned to each or either of said Counties and be intitled to the same pay and allowance; but if they return before the expiration of said nine months, shall be intitled to the wages only, and the commanding officer shall detach others in their room, who shall be allowed according to this Resolve.

That the Brigadier or commanding officer of the County of Plymouth shall detach or cause to be detached from his Brigade One hundred and fifty three men; that the Brigadier or commanding officer of the County of Bristol shall detach or cause to be detached from his Brigade One hundred and thirty four men; that the Brigadier or commanding officer of the County of Barnstable shall detach or cause to be detached from said County Seventy eight men; that the Brigadier of the County of York or commanding officer shall detach or cause to be detached from his Brigade Ninety men; that the Brigadier or commanding officer of the County of Cumberland shall detach or cause to be detached from his Brigade Fifty-eight men, excusing Falmouth from the draft; and that the Brigadier or commanding officer of the County of Lincoln shall detach or cause to be detached from his Brigade Fifty-one men.

And that the aforesaid Brigadiers or commanding officers of Brigades shall forthwith make said detachments or cause them to be made indiscriminately from the training band and alarm lists, and all other male persons above the age of sixteen years, excepting the members of Council, officers of Harvard College, ministers of the Gospel, Grammar Schoolmasters, Quakers, Indians, Negroes and Molattoes; and form the men so detached into companies, as near as may be, of Sixty-eight men each, exclusive of commissioned officers, each company to be commanded by one Captain and two subalterns, to be detached for that purpose, and cause them to be mustered before some Muster Master appointed in the several Counties, and marched without delay by the most convenient route to the places of their destination; and that they make returns to the Council of the men by them respectively raised and actually marched at or before the first day of July next.

Resolved that there be paid out of the public Treasury of this State to every Captain so detached Forty shillings per month in addition to the Continental pay; to each Lieutenant Three pounds per month, and to each non-commissioned officer and private Four pounds, thirteen shillings per month in addition to said Continental pay.

And that ample encouragement may be given to men cheerfully and speedily to turn out on this occasion, it is further

Resolved that the Selectmen of each Town be, and they are hereby directed to pay out of the treasury of their respective Towns, the sum of Fourteen pounds to each non-commissioned officer and private detached and mustered as aforesaid, being properly armed and equipped; and such Selectmen are hereby impowered to assess a

tax upon the polls and estates of their respective Towns, according to the rules of the last preceding Tax Act, to replace the money they shall take out of the treasury or hire for the purposes aforesaid; and to commit such assessment to the Constable or Collector of their respective Towns, who are hereby required to collect the same and in such collections to proceed according to the rules in said act prescribed; and such sums so advanced shall be deducted from the next State tax levied on such Towns respectively.

It is likewise

Resolved that if any person shall be detached by his officer for the service aforesaid and shall not within twenty four hours after he is so detached pay a fine of Ten pounds, or procure some able-bodied man in his room properly armed and equipped, he shall be held as a soldier in said detachment and treated as such; and the officer who shall receive such fines shall proceed to hire men therewith or detach others, as the case may be, untill he hath compleated his quota. It is also

Resolved that where there are no Militia Officers, the Selectmen, & where there are no Militia Officers or Selectmen, the Committee are impowered and directed to do all duties by this resolve enjoined upon Militia Officers or Selectmen.

Resolved that if any person shall be detached as aforesaid, but neglect to procure an able-bodied man armed and equipped in his stead, or to pay said fine for the space of twenty four hours, the clerk of the company to which he belongs shall by virtue of a warrant from the commanding officer of such company, proceed to recover said fine in the same manner as Constables are authorized to proceed to recover taxes of those persons who neglect or refuse to pay the same, any law or resolve of the Court to the contrary notwithstanding.

Also

Resolved that the men detached from the Counties of Suffolk, Essex, Middlesex, York, Cumberland, Worcester, Lincoln; one hundred men from the South part of the County of Hampshire and one hundred and thirty men from the County of Plymouth; shall be immediately marched to Providence to fill up the battalions of Col^o Wade and Col^o Jacobs from this State, and to be under the command of the Continental officer who has the chief command in that department, and to be annexed to said battalions as he shall order.

That the remainder of the men detached from the County of Hampshire, with those detached from the County of Berkshire, shall be marchd to join General Stark at Albany or elsewhere as he shall order.

That the men detached from the County of Barnstable shall be stationed at such places in said County as the Brigadier shall order, and upon such services as he shall direct, untill further orders from this Court or the commanding Continental officer at Providence; and shall be liable to march to any part of the New England States by order of said Court, or said commanding officer, when the defence of the country shall render it necessary.

That one company of the men detached from the County of Bristol be marched to Dartmouth to do duty there, as the commanding officer of the militia in that Town shall direct, till the commanding officer at Providence shall otherwise order; and the residue of the men raised in said County shall be stationed as said commanding officer shall direct on the shores in said County, unless the circumstances of the country shall render it necessary to have them marched by said commanding officer's order to some other place within the New England states; and that the remain-

ing twenty three men detached from the County of Plymouth be stationed at Rochester and Wareham, to guard and defend the shores in such manner as the commanding officer of the militia in Rochester shall direct, untill the further order of this Court or the commanding Continental officer at Providence; and they shall be liable to march to any part of the New England states by order of this Court or said commanding officer, when the defence of the country shall render it necessary.

Resolved that the Council inform General Sullivan that this State hath raised more men than he requested, in order to enable him to defend the shores in the Counties of Bristol, Barnstable and the said two Towns in the County of Plymouth.

And also

Resolved that the Selectmen of the respective Towns in this State be, and they are hereby directed to pay to each officer and soldier detached from their Towns, six pence per mile from their respective Towns to the place of their destination for mileage and carrying of packs, and lay their accounts therefor before this Court for allowance.

Whereas this Court is fully sensible that those Towns which have caused one seventh part of their male persons above the age of sixteen years to be inlisted for three years or during the war, have just cause of complaint against those which have neglected their duty in this respect: It is therefore

Resolved that this Court will continue to make enquiry into the matter untill they shall be able to have the most ample justice done therein.

Resolved that the men who shall be inlisted or drafted from the militia of the several Towns in this State by force of the foregoing Resolve, shall be held and returned for the Towns whereof they are inhabitants and no other, and that all contracts, bargains and agreements made with any person to serve for any other Town than that whereof he is an inhabitant, shall be null and void; and that all persons who shall receive any money or other consideration upon such bargain, contract or agreement, shall be intitled to hold the same and liable to no damages therefor.

And it is further

Resolved that the Brigadiers or commanding officers of the aforesaid Counties, when it may be for conveniency and the good of the service and agreeable to the militia, may appoint officers other than those belonging to the militia, who have had commissions of equal rank and approved good officers, and recommend them to the Council, that they may be commissioned accordingly. [*Passed June 12.*]

CHAPTER 56.

RESOLVE ON THE PETITION OF LUTHER FAIRBANKS.

ON THE PETITION of Luther Fairbanks, praying that he may be supplied with cloathing, agreeable to a Resolve of the General Court of the 13th of March, 1778.

Resolved that the Board of War be, and they are hereby directed to supply said officer according to said Resolve. [*Passed June 12.*]

Legislative
Records of the
Council,
xxxviii., 568.
Mass.
Archives,
ccxix., 62.

Mass.
Archives,
ccxix., 63.

CHAPTER 57.

RESOLVE FOR DISPLAYING SIGNALS ON PIGEON HILL IN
GLOUCESTER.

WHEREAS Cape Ann is situated between the Bays of Boston and Ipswich in such a manner, that when our enemy's armed vessels are in one of said Bays, they are not to be discovered by our vessels that are in the other, by reason of which our vessels have frequently fallen into their hands in passing round said Cape: Therefore for preventing such mischief for the future,

Resolved that the commanding officer of the Sea Coast men stationed in Gloucester be, and he is hereby directed to detach two faithfull men from his company to keep watch on Pigeon Hill, for the purpose of hoisting signals to give notice when any of our enemy's ships are in either of the Bays of Boston or Ipswich, which men whilst on the service aforesaid shall be under the direction of Major John Row.

It is also

Resolved that the Board of War be & they are hereby directed to furnish Major Row with a suitable flag or flags and directions for proper signals for the purpose aforesaid; and Cap^t George Williams is hereby appointed to cause the purport of this Resolve to be printed on hand-bills, and furnish each Naval Officer in the State with a suitable number to be delivered to the masters of vessels that may clear out at his office. [*Passed June 12.*]

Legislative
Records of the
Council,
xxxviii., 568.
Mass.
Archives,
ccxix., 64.

CHAPTER 58.

RESOLVE ON THE PETITION OF CHARLES PHELPS, ESQ^r.

UPON THE PETITION of Charles Phelps Esq^r, praying that the Board of War may be directed to receive of him a quantity of this and the neighbouring States' money, &c.

It is

Resolved that the said Board of War be, and hereby are directed to receive of the aforesaid Charles Phelps, the Bills of this and the neighbouring States, provided the same be not counterfeit, he making oath before some Justice of the Peace that he received the said money previous to their tendering the same to the Board of War in November last, for the arms mentioned in his Petition and previous to the date of this Resolve. [*Passed June 12.*]

Legislative
Records of the
Council,
xxxviii., 569.
Mass.
Archives,
ccxix., 65.
Mass.
Archives,
ccxix., 66.

CHAPTER 59.

RESOLVE DIRECTING THE SECRETARY TO DELIVER THE ORIGINAL
RETURNS OF MEN ENLISTED FOR THE CONTINENTAL ARMY TO
THE COMMITTEES FOR SETTLING DISPUTES CONCERNING TOWN
QUOTAS.

WHEREAS the Committees appointed in some of the Counties in this State by a Resolve of the Great and General Court on the 29th of April last, with powers to hear and determine all disputes arising from returns made into the Secretary's office, where the same men have been returned for several Towns, as one Seventh part of their male inhabitants for the Continental Army, have not

Legislative
Records of the
Council,
xxxviii., 569.
Mass.
Archives,
ccxix., 67.

been able to proceed in said affair, by reason that they have not been furnished with copies of the returns of their several Counties; and the time for making returns being at so near a period renders it difficult for the Secretary to furnish the Committees with copies: Therefore

Resolved that the Secretary be and he hereby is directed to deliver to the several Committees aforesaid, the original returns of the several regiments in their Counties respecting their quotas of men in the Continental Army, and also a copy of the number of male inhabitants in each Town in their respective Counties; said original returns to be lodged in the Secretary's office again by said Committees at the time set for their making returns of their doings by virtue of their commissions; and that such Committees as have not yet received any copies or returns sufficient to enable them to proceed, have liberty to make returns at or before the 20th of July next, any thing in the Resolve of the 29th of April last to the contrary notwithstanding. [*Passed June 12.*]

CHAPTER 60.

RESOLVE ALLOWING 30^s EACH PER DAY TO THE COMMITTEE ON ACCOUNTS.

Legislative
Records of the
Council,
xxxviii., 570.
Mass.
Archives,
ccxix., 73.

Resolved that there be allowed and paid to Mess^{rs} William Bant, Peter Boyer and John Deming, who were lately appointed by this Court to state the accounts of this State, agreeable to the instructions given them for that purpose, the sum of Thirty shillings each per day, for each day they shall be employed in said business. [*Passed June 12.*]

CHAPTER 61.

RESOLVE ON THE PETITION OF JOHN KIRKLAND.

Legislative
Records of the
Council,
xxxviii., 571.
Mass.
Archives,
ccxix., 79, 80.

Resolved that the prayer of the petition of John Kirkland be granted, and that the Committee on Rolls be, and they hereby are empowered and directed to re-examine the roll made and exhibited by Capt. John Kirkland in Col^o Woodbridge's regiment, for the service of his company raised pursuant to the Order of Court of August 8th, 1777, for reinforcing the Northern Army, and to give the said Kirkland full liberty to correct any mistakes he has made in said roll. [*Passed June 13.*]

CHAPTER 62.

RESOLVE ALLOWING £18. 15^s TO MAJOR GIDEON FREEMAN.

Legislative
Records of the
Council,
xxxviii., 571.

Resolved that there be paid out of the publick Treasury of this State to Gideon Freeman Esq^r, in full for his services as Major of the East regiment in the County of Barnstable, as mentioned in his account, the sum of Eighteen pounds fifteen shillings. [*Passed June 13.*]

CHAPTER 63.

RESOLVE DIRECTING AGENTS TO MAKE RETURNS OF SHIRTS, ETC.,
FURNISHED BY TOWNS.

Resolved that the Agents, who were appointed by a Resolve of the General Court of this State on the thirteenth day of March last past, to receive the Shirts, Stockings and Shoes from the several Towns in this State, which were to be furnished by said Towns as required by the said Resolve, be, and such Agents hereby are directed to make return in manner as by the said Resolve is provided into the Secretary's office upon or before the first day of July next, and that all such as shall neglect to make such returns shall be liable to pay a fine of Twenty pounds, to be recovered at the suit of the Attorney General, in behalf of and to the use of this State, by action of debt.

Legislative
Records of the
Council,
xxxviii., 572.
Mass.
Archives,
ccix., 81.

Resolved that the Secretary shall issue a citation to the Selectmen of all such Towns in this State as shall appear by said returns to be deficient and delinquent in providing the Shirts, Shoes and Stockings, which they in the Resolve aforesaid were directed to provide, for such Selectmen to appear on the first day of the next sitting of this Court to shew cause, if any they have, why they or their Towns shall not be punished for disregarding and neglecting to obey the order of the General Assembly in their Resolution aforesaid expressed. [*Passed June 13.*]

CHAPTER 64.

RESOLVE FOR ENLISTING MEN TO SERVE AS GUARDS TO THE TROOPS
OF THE CONVENTION.

Resolved that all such non-commissioned officers and privates as shall inlist into the guards for the Troops of the Convention in the regiments under Colonels Reed, Gerrish and Stearns, untill the first day of March next, unless sooner discharged, shall be allowed and paid the sum of Five pounds in addition to the Continental pay per calendar month; provided they shall inlist into said guards on or before the sixteenth day of this instant and return their names into the Secretary's office on the seventeenth instant by ten o'clock in the forenoon.

Legislative
Records of the
Council,
xxxviii., 572.
Mass.
Archives,
ccix., 83.

Resolved that Colonels Reed, Gerrish and Stearns be, and they hereby are directed to inlist such and so many men into their respective regiments of guards as shall be in their power, with a suitable number of officers to command them, by the time mentioned in the foregoing Resolve and return the same into the Secretary's office by the time prefixed in the Resolve aforesaid. [*Passed June 13.*]

CHAPTER 65.

RESOLVE ON THE PETITION OF PETER TAFT.

ON THE PETITION of Peter Taft of Leicester, in the County of Worcester, setting forth that he, said Peter, obtained an approbation from the Selectmen of said Leicester to keep a tavern at a house described in said approbation; and that by reason of the adjournment of the Court of General Quarter Sessions of the

Legislative
Records of the
Council,
xxxviii., 573.
Mass.
Archives,
ccix., 84-86.

Mass.
Archives,
ccxix., 87, 88.

Peace in said County, he is prevented obtaining a license; therefore praying the assistance of the General Court.

Resolved that any two Justices of the Peace in the County aforesaid, quorum unus, be and they are hereby fully authorized and impowered to grant a license to the petitioner to keep a publick tavern untill the next session of the said County Court; and to recognize said petitioner to observe good rule and order, agreeable to the laws of this State relating to publick licensed houses, any law, usage or custom to the contrary notwithstanding. [*Passed June 15.*]

CHAPTER 66.

RESOLVE ALLOWING £14. 18^s TO JOSEPH FROST.

Legislative
Records of the
Council,
xxxviii., 573.
Mass.
Archives,
ccxix., 90.

Mass.
Archives,
ccxix., 91-93.

Resolved that there be paid out of the publick Treasury of this State to Joseph Frost, in full for Three thousand seven hundred and twenty-two feet of white pine boards delivered Edward Cutts Esq^r, for the use of this State, the sum of Fourteen pounds eighteen shillings. [*Passed June 15.*]

CHAPTER 67.

RESOLVE ON THE PETITION OF JOSEPH CLARK.

Legislative
Records of the
Council,
xxxviii., 574.
Mass.
Archives,
ccxix., 94.

Mass.
Archives,
ccxix., 95, 96.

ON THE PETITION of Joseph Clark of Granville, praying this Court to direct the Treasurer of this State to make him out a note for the sum of Thirteen pounds nine shillings, instead of a State Note on the first day of December last, signed by the Treasurer aforesaid, given to one Nathaniel Bates and by said Bates ordered over to him, which note in said Clark's hands on the 18th day of May last was consumed by fire; and whereas the facts set forth in said Petition appear to this Court to be true and well proved: Therefore

Resolved that Henry Gardner Esq^r, State Treasurer, be directed and he is hereby directed to make out a note to the said Joseph Clark of the sum of Thirteen pounds nine shillings, bearing date December 1st, 1777, in full consideration of said note set forth in said Petition to be consumed by fire. [*Passed June 15.*]

CHAPTER 68.

Legislative
Records of the
Council,
xxxviii., 575.
Mass.
Archives,
ccxix., 89.

Mass.
Archives,
ccxix., 88.

RESOLVE FOR SUPPLYING ARMS, BLANKETS, ETC., TO THE TROOPS DESTINED FOR NORTH RIVER.

Resolved that General Heath be desired as soon as possible to supply the troops destined to the North River from this State with One thousand stand of arms, and with the same number of blankets and also with One hundred and fifty tents. [*Passed June 15.*]

CHAPTER 69.

RESOLVE FOR ENABLING REV. DANIEL LITTLE TO ERECT A BUILDING AND FURNACE FOR THE MANUFACTURE OF STEEL.

Resolved that there be paid out of the publick Treasury to the Rev^d Daniel Little of Wells, a sum of money sufficient to enable him to erect a building of thirty-five feet by twenty-five, suitable for the purpose of manufacturing Steel; also to build a furnace and common blacksmith's forge, and to enable him to purchase utensils requisite for preparing and examining the bars, provided the whole does not exceed the sum of Four hundred and fifty pounds; on condition that the said Little shall engage to carry the art of manufacturing Steel to as great perfection as possible within the reach of his present knowledge or any future acquirements, and to communicate the same without any reserve to the General Court of this State, when they shall judge it will be most beneficial to the public. [*Passed June 15.*]

Legislative
Records of the
Council,
xxxviii., 575.
Mass.
Archives,
ccix., 97.

CHAPTER 70.

RESOLVE ON THE PETITION OF HON. TIM^O EDWARDS, ESQ^R.

ON THE PETITION of the Hon^{ble} Timothy Edwards Esq, one of the Commissioners of Indian affairs for the Northern Department, praying that the Board of War may have leave to supply him with such goods as he may want and not be able to purchase elsewhere for the purpose aforesaid.

Resolved that the Board of War be, and they are hereby directed to sell to the Hon^{ble} Timothy Edwards Esq^r, for supplying the Indians in the Northern Department, such articles as he may have occasion for and cannot procure elsewhere; provided they may have such articles to spare consistent with the demand for supplying our army. [*Passed June 16.*]

Legislative
Records of the
Council,
xxxviii., 576.
Mass.
Archives,
ccix., 98.

Mass.
Archives,
cxliv., 408.

CHAPTER 71.

RESOLVE PERMITTING WILLIAM DOWNES CHEEVER TO GO TO GREAT BRITAIN.

ON THE PETITION of William Downes Cheever, praying for leave to go to Great Britain.

Resolved that the prayer of said Petition be granted and that the said Will^m Downes Cheever be, and he is hereby permitted to take passage for Great Britain in the most convenient way that presents, and after having transacted the business mentioned in said Petition, he be allowed to return to any part of America; provided that before his sailing for Great Britain, he gives bond to the Treasurer of this State for the sum of Three thousand pounds, with one sufficient surety, that he will do nothing to the prejudice of this or any of the United States during his absence, and that he will return to this or some of the United States within four years from the date of this Resolve and pay his proportion of the charges of the present war. [*Passed June 16.*]

Legislative
Records of the
Council,
xxxviii., 576.
Mass.
Archives,
ccix., 102.

Mass.
Archives,
clxxiv., 179.

CHAPTER 72.

RESOLVE FOR DETACHING MEN TO SERVE AT RHODE ISLAND.

Legislative
Records of the
Council,
xxxviii., 577.
Mass.
Archives,
ccxix., 103.

WHEREAS the prospect of an immediate attack upon the State of Rhode Island and some parts of this State render it necessary that a more speedy relief should be given to our friends in that quarter than can be expected by the Resolve of this Court of the 10th instant: Therefore

Resolved that Col^o George Williams draft from his regiment seventy-two men; that Col^o John Dagget detach from his regiment seventy two men; that Col^o Cushing detach from his regiment seventy two men; that Col^o Hawes detach from his regiment seventy two men; that Col^o Wood detach from his regiment seventy-two men; that Col^o Jonathan Holman detach from his regiment seventy-two men; that Col^o Edward Mitchel detach from his regiment seventy-two men; and that Col^o Ebenezer Sprout detach from the Town of Middleborough fifty men. And said Colonels are hereby ordered to make the detachments forthwith and cause the men to march well equipped to Gen^l Sullivan's head quarters, there to do duty until the detachments ordered by the said Resolves of the 10th instant shall arrive; provided that it does not exceed twenty one days from the time of their arrival at said head quarters, and shall receive equal encouragements in proportion to the time of service as those ordered to be detached by said Resolves of the 10th instant; which, with the importance of an immediate reinforcement in that quarter, it is presumed will induce the men willingly to turn out on this emergency, but in case any person so detached shall refuse or neglect to march, or procure some good man in his room within twelve hours, the officer drafting him shall make return of his name to Gen^l Sullivan as a soldier for said service and cause him to be marched forthwith under a proper guard to head quarters; and said Colonels are hereby ordered to form their respective detachments into a company under proper officers, which they shall detach for that purpose, which companies shall be annexed to Col^o Jacob's and Col^o Wade's regiments as Gen^l Sullivan shall direct upon their arrival at head quarters. And the aforesaid Colonels will consider this as a sudden alarm and exert themselves to send the above reinforcement with the greatest alacrity and dispatch

Whereas it may so happen that Towns in the aforesaid regiments have no officers in commission according to the Militia Act: Therefore

Resolved in any such case the Colonel of the regiment in which such Town may be, is hereby directed to order an officer under his command, with the aid and assistance of the Select Men of such Town, to make the necessary detachment as aforesaid. And the Secretary is hereby directed immediately to make out seven copies of these Resolves and send them with the utmost dispatch by a special post to the aforesaid Colonels. [*Passed June 16.*]

CHAPTER 73.

RESOLVE ALLOWING HALF PAY TO SAMUEL LACOUNT.

Legislative
Records of the
Council,
xxxviii., 578.

ON THE REPRESENTATION of John Lucas, Commissary of Continental invalids, in behalf of Sam^l Lacount, late a soldier in Capt Joseph Eaton's company and Col^o Sam^l Johnson's regiment, and

who lost his left thumb and the use of his left hand in a battle with the enemy at Stillwater, the 7th of October, 1777.

Resolved that the said Sam^l Lacount is intitled to half his pay as a soldier to commence on the 14th day of December, 1777. [*Passed June 16.*]

Mass.
Archives,
ccxix., 99.

Mass.
Archives,
ccxix., 100,
101.

CHAPTER 74.

RESOLVE ON THE PETITION OF JOHN ADAMS AND OTHERS.

ON THE PETITION of John Adams and others, inhabitants of the Town of Great Barrington, praying that they may be set off from the said Town of Great Barrington and annexed to the Town of Alford.

Resolved that the petitioners notify the inhabitants of the Town of Great Barrington by leaving a copy of said Petition, with this Order thereon, with some one of the Select Men of the said Town of Great Barrington, at least twenty days before the second Monday of the next sitting of this Court, to shew cause on that day, if any they have, why the prayer of the petitioners should not be granted. [*Passed June 16.*]

Legislative
Records of the
Council,
xxxviii., 576.

Mass.
Archives,
ccxx., 370.

Mass.
Archives,
ccxx., 367.

CHAPTER 75.

RESOLVE REQUESTING GEN. HEATH TO SEND ARMS, BLANKETS, ETC., TO GEN. GATES.

WHEREAS General Heath has represented to this Court that he thinks himself not authorized to issue from the public stores in his department any Fire Arms or Cloathing to troops doing duty in another department, and therefore cannot comply with the Resolve of yesterday in this respect: Therefore

Resolved that General Heath be and he hereby is requested to send the arms, tents and blankets mentioned in said Resolve to General Gates, who commands in the Northern Department, that he may be enabled to supply Brigadier Warner, who is now at Fish Kill, with the number by him wanted for the troops that may arrive there from this State. [*Passed June 17.*¹]

Legislative
Records of the
Council,
xxxviii., 578.

Mass.
Archives,
ccxix., 105,
106.

CHAPTER 76.

RESOLVE IMPOWERING THE BOARD OF WAR TO SELL VESSELS, ETC., AT PUBLIC AUCTION.

ON THE REPRESENTATION made by the Board of War that there are several vessels belonging to this State lying at wharves, and that they have sundry articles on hand which are not necessary for the publick use, some of them in a perishing condition, the disposing of which at private sale is attended with delay and inconvenience: Therefore

Resolved that the Board of War be and they are hereby empowered to make sale at publick auction of all such vessels and articles belonging to this State, as they now, or may have in their possession, not necessary for the publick use, any law of this State to the contrary notwithstanding. [*Passed June 17.*]

Legislative
Records of the
Council,
xxviii., 580.

Mass.
Archives,
ccxix., 107.

Mass.
Archives,
ccxix., 108.

CHAPTER 77.

RESOLVE DIRECTING COMMITTEES FOR SETTLING DISPUTES CONCERNING TOWN QUOTAS TO TAKE MEASURES TO COMPLETE THEIR WORK.

Legislative
Records of the
Council,
xxxviii., 580.
Mass.
Archives,
ccxix., 109-111.

WHEREAS it appears to this Court that divers of the Committees appointed by a Resolve of the General Court of the 28th of April last, to determine disputes between Towns respecting men who have been returned more than once, have hitherto neglected the important duty assigned them, by means of which it cannot be yet ascertained what Towns are deficient of their respective quotas of the Continental Army: It is therefore

Resolved that the respective Committees appointed by the Resolve before referred to, be and they hereby are enjoined and earnestly called upon, as they regard the welfare of their country and the sacred laws of justice, immediately to notify the several Towns, of the time and place of their sitting, and prosecute that business and bring it to a close by the 10th day of September next, that this Court may then be able to fulfill their obligations to the public and do justice to every Town; and the said Committees have hereby power to consider and make allowance to any Towns which have in them persons from Boston, Charlestown, or any other seaport towns, who are not able to contribute towards hiring men or do the duty of soldiers themselves, agreeable to the Resolve of the General Court of the 21st of October, 1777, for that purpose.

And whereas the Resolve of the 28th of April aforesaid, makes no provision for settling disputes subsisting between Towns in different Counties: Therefore

Resolved that Mr Lemuel Kollock, Col^o Israel Hutchinson, Col^o Benjamin Brown, Capt William Page, Capt Elijah Hunt, Col^o John Gray, John Greenough Esq^r, Col^o Shubael Peck, Hon. Joseph Simpson Esq^r, John Lewis Esq^r, Col^o Samuel McCobb and Jahleel Woodbridge Esq^r, or a major part of them, be and they hereby are appointed a Committee and invested with full power to hear and determine all disputes arising from returns made by Towns in different Counties; and said Committee is directed to meet on the 10th day of September next, at the State House in Boston at 10 o'clock A.M. for that purpose, and make return into the Secretary's office by the 15th day of October next. And all concerned are hereby notified of the sitting of said Committee as above, and unless they give their attendance they shall be excluded from any future consideration, as the General Court will settle these matters agreeable to the returns they shall then receive.

Also

Resolved that there be allowed to each of the Committee appointed by this Resolve Eighteen shillings per day, while they shall be upon the business aforesaid. [*Passed June 17.*]

CHAPTER 78.

RESOLVE APPOINTING A COMMITTEE TO PREPARE AN ACCOUNT OF DISBURSEMENTS.

Legislative
Records of the
Council,
xxxviii., 581.

Resolved that George Partridge and John Greenough Esq^r, be and they are hereby appointed a Committee whose business it shall be to prepare an account of the disbursements made by this State for the benefit of the United States of America, viz., all those

that remain unsettled up to December 31, A.D. 1777, in order that a settlement may be made with the Commissioners appointed by Congress as soon as may be; and that the Board of War, Receiver-General, Commissary General, and any Committee, who have in their hands any vouchers necessary to support said account of disbursements, be and hereby are directed to deliver the same to the said Partridge and Greenough, taking their receipts for the same, which shall be a sufficient voucher to them respectively for the sums expressed in said vouchers, the appointment of any Committee heretofore notwithstanding. [*Passed June 17.*]

Mass.
Archives,
ccix., 112.

CHAPTER 79.

RESOLVE DIRECTING SELECTMEN TO COLLECT SHIRTS, ETC., FOR THE ARMY.

AS JUSTICE, humanity and every reasonable principle of the human heart, must urge the necessity of rendering the situation of our brethren, who are risking their lives in the fields of battle for our defence, as comfortable as may be:

It is therefore

Resolved that the Selectmen of each Town in this State be, and they hereby are required and directed to collect from the inhabitants of their Towns respectively, or otherwise procure, upon or before the twentieth day of September next, the number of pairs of Shirts, Shoes and Stockings set and affixed to their respective Towns in the following Schedule; the same being a number of each of those articles equal to one seventh part of the male inhabitants of such Town above the age of sixteen years, as returned into the Secretary's office, viz.

Legislative
Records of the
Council,
xxxviii., 582.
Mass.
Archives,
ccix., 113-120.

COUNTY OF SUFFOLK.

Boston	407	Dedham	74	Medway	31
Roxbury	56	Medfield	27	Bellingham	20
Dorchester	55	Wrentham	66	Hull	5
Milton	41	Brookline	18	Walpole	38
Braintree	89	Needham	43	Chelsea	14
Weymouth	49	Stoughton	80	Cohasset	24
Hingham	76	Stoughtonham	44	Franklin	37

COUNTY OF ESSEX.

Salem	166	Danvers	77	Newbury Port	122
Ipswich	152	Newbury	104	Marblehead	156
Lynn	62	Andover	102	Beverly	94
Rowley	61	Salisbury	54	Haverhill	83
Gloucester	137	Topsfield	31	Boxford	36
Amesbury	59	Bradford	44	Wenham	23
Middleton	24	Manchester	29	Methuen	44

COUNTY OF MIDDLESEX.

Cambridge	56	Charlestown	25	Newton	51
Woburn	64	Concord	60	Billerica	51
Reading	62	Marlborough	58	Chelmsford	47
Frammingham	55	Lexington	31	Malden	33
Sherborn	27	Sudbury	77	Littleton	31
Weston	34	Medford	34	Waltham	26
Hopkinton	41	Westford	41	Shirley	21
Stow	32	Groton	57	Ashby	14
Pepperell	32	Townsend	25	Dracut	33
Stoneham	12	Natick	21	Tewksbury	32
Bedford	19	Holliston	32	Lincoln	28
Acton	28	Dunstable	24		
Wilmington	28	Watertown	33		

COUNTY OF WORCESTER.

Worcester	62	Harvard	49	Westminster	36
Brookfield	95	Upton	25	Princeton	22
Sutton	88	Hardwick	50	Northbridge	12
Paxton	17	Douglas	28	New Braintree	27
Lancaster	96	Royalston	16	Northborough	18
Oxford	28	Templeton	34	Uxbridge	39
Leicester	30	Winchendon	17	Bolton	43
Rutland	37	Ward	14	Leominster	32
Mendon	75	Hubbardston	19	Western	31
Charlton	44	Westborough	31	Petersham	41
Spencer	37	Lunenburg	42	Athol	27
Oakham	19	Dudley	33	Ashburnham	17
Barre	48	Sturbridge	49	Fitchburg	24
Southborough	26	Holden	26		
Shrewsbury	56	Grafton	30		

DUKE'S COUNTY.

Edgartown	37	Chilmark	27	Tisbury	37
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NANTUCKET.

Sherburne					158
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COUNTY OF LINCOLN.

Pownalborough	51	Georgetown	64	Newcastle	23
Woolwich	25	Topsham	23	Bowdoinham	11
Boothbay	27	Bristol	43	Vassalborough	14
Winthrop	12	Winslow	10	Waldoborough	19
Edgecomb	24	Hallowell	19	Belfast	4
Warren	—	Thomaston	—	Gardnerstown	11
Meduncook	9	S' Georges	9		

COUNTY OF HAMPSHIRE.

Springfield	66	Pelham	29	Enfield	—
Southampton	28	Leverett	11	Ludlow	14
Amherst	34	New Salem	33	No 7 or Merrifield	8
Whately	15	Northampton	64	Ware	22
Deerfield	34	South Hadley	23	Murrayfield	14
Conway	29	Hatfield	27	Worthington	24
Northfield	21	Westfield	53	Southwick	18
Monson	29	Shelburne	22	Somers	—
Blandford	26	Montague	23	Norwich	9
Granville	29	South Brimfield	32	Warwick	24
Wilbraham	37	Greenwich	29	Charlemont	13
Hadley	30	Palmer	30	Shutesbury and }	22
Granby	17	Belchertown	36	Ervingshire	
Williamsburg	18	Colrain	23	Suffield	—
Greenfield	22	Bernardston	20	West Springfield	60
Sunderland	17	Ashfield	28	No 5	13
Brimfield	36	Chesterfield	32		

COUNTY OF PLYMOUTH.

Plymouth	95	Scituate	98	Duxbury	45
Marshfield	40	Bridgewater	169	Middleborough	151
Rochester	84	Plympton	64	Pembroke	61
Kingston	34	Hanover	38	Abington	46
Halifax	21	Wareham	22		

COUNTY OF BARNSTABLE.

Barnstable	82	Sandwich	55	Wellfleet	45
Eastham	65	Harwich	64	Falmouth	43
Chatham	30	Truro	42		
Provincetown	6	Yarmouth	73		

COUNTY OF BRISTOL.

Taunton	113	Rehoboth	141	Swanzy	64
Dartmouth	128	Norton	47	Mansfield	36
Attleborough	72	Dighton	48	Freetown	61
Raynham	33	Easton	42	Berkley	28

COUNTY OF YORK.

York	86	Kittery	91	Wells	83
Berwick	96	Arundel	36	Biddeford	31
Massabeseeck	14	Pepperrellborough	27	Lebanon	18
Fryburg	15	Sanford	23	Brownfield	3
Buxton	22	Little Falls	10		

COUNTY OF CUMBERLAND.

Falmouth	103	Cape Elizabeth	66	Harpwell	28
Scarborough	82	Brunswick	28	New Gloucester	24
Gorham	48	Windham	13	Raymondtown	6
Pearsonstown	11	New Boston	10		
Royalsborough	8	North Yarmouth	58		

COUNTY OF BERKSHIRE.

Sheffield	66	Great Barrington	36	Partridgefield	13
Williamstown	38	New Marlborough	33	Lanesborough	51
Pittsfield	35	Lenox	27	Stockbridge	41
Egremont	21	Tyringham	23	Sandisfield	36
Becket	15	Gageborough	17	Hancock	16
Richmond	36	Loudon	7	Washington	18
West Stockbridge	14	Alford	10	East Hoosuck	23
Plantation N ^o 5	-	Plantation N ^o 7	-	New Providence }	11
New Ashford	6	Equivalent	-	Plantation	

Resolved that the Selectmen of each Town shall upon or before the fifth day of October next, cause the said articles to be transported to such place or places in the Counties to which they respectively belong, as the Agent of the County, who shall be by the General Court appointed to receive them, shall order.

Resolved that the following persons be, and they hereby are appointed to receive in the Counties whereof they are inhabitants, the articles aforesaid when so collected, viz.

In the County of Suffolk, Mr Lemuel Kollock, of Wrentham.
 In the County of Essex, Col^o Israel Hutchinson, of Danvers.
 In the County of Middlesex, Capt Joseph Hosmer, of Concord.
 In the County of Worcester, Mr John Wait, of Brookfield.
 In the County of Hampshire, Major Warham Parks, of Westfield.
 In the County of Berkshire, Samuel Brown, Esq^r, of Stockbridge.
 In the County of Plymouth, Capt David Kingman, of Bridgewater.
 In the County of Barnstable, Col^o Enoch Hallet, of Yarmouth.
 In the County of Bristol, Samuel Tobey Esq^r, of Berkley.
 In the County of Cumberland, Major Daniel Ilsley, of Falmouth.
 In the County of Lincoln, Dummer Sewall Esq^r, of Georgetown.
 In the County of Dukes County, James Athern, Esq^r.
 In the County of Nantucket, Stephen Hussey Esq^r.

And that said Agents shall upon their receiving said articles transport them to such place or places within this State as this Court shall order and direct, and shall upon or before the twentieth day of October next, make out and lodge in the Secretary's office a true and perfect inventory of the articles which they shall so receive, with the names of the Selectmen and Towns from whence they receive the same, and the prices at which the Selectmen shall charge them, in order that the same may be examined by a Committee of this Court, to be upon or before that time for that purpose especially appointed.

Resolved that when the said accounts are examined and approved by such Committee, that the major part of the Council shall make out their warrant on the Treasury in favour of such Selectmen for the sums that may be due to them upon such accounts, and the Selectmen, when they shall have received such sums, shall pay the same over to those who shall have supplied them with the Shirts, Shoes and Stockings as aforesaid. Also

Resolved that such Agents lay before the same Committee an account of their services and expences in order that the same may be examined and paid in manner aforesaid. Likewise

Resolved that if the Selectmen of any Town shall neglect to make return to the Agent appointed in their County of their doings in pursuance of this Resolve, upon or before the said 20th day of September, such Selectmen shall be liable to pay a fine of Thirty pounds to the use of the government, to be recovered by action of debt at the suit of such person as the Court shall appoint to

bring the same. And in those Plantations where there are no Selectmen, the Committees of Correspondence, &c. are hereby directed and commanded to do the business by this Resolve required of Selectmen, and shall be liable to the same penalties and in every respect in the same sense accountable for their conduct. And that if any Agent, appointed for the purposes aforesaid, shall neglect to make return as aforesaid upon or before the said 5th day of October, such Agent shall be liable to pay a fine to the government of One hundred pounds to be recovered in manner aforesaid.

Resolved that the Board of War be, and they hereby are directed to furnish such commissioned officers as belong to the fifteen battalions raised in this State and are in the Continental Army, with two shirts and a suit of cloaths each, proper for their respective ranks, they paying for the same agreeable to the prices set in the late Act for regulating prices in this State. [*Passed June 17.*]

CHAPTER 80.

RESOLVE PERMITTING BARTHOLOMEW WALKER AND OTHERS TO GO TO GREAT BRITAIN.

Legislative
Records of the
Council,
xxxviii., 583.
Mass.
Archives,
ccix., 121.

ON THE PETITION of Bartholomew Walker, praying for liberty to go to Great Britain

Resolved that the prayer of said petition be granted, and that said Bartholomew Walker and Rachel Todd and James Walker be, and they are hereby permitted to go in a cartel to Halifax or Newport, that they may from thence go to Great Britain. [*Passed June 17.*]

CHAPTER 81.

RESOLVE ALLOWING ADDITIONAL COMPENSATION TO THE MEMBERS OF THE BOARD OF WAR.

Legislative
Records of the
Council,
xxxviii., 589.
Mass.
Archives,
ccix., 124.

ON THE PETITION of the Board of War.

Resolved that twelve shillings per day be allowed and paid to each of the members of said Board for each days attendance from the 7th day of July, 1777, to the 7th day of July, 1778, in addition to the twelve shillings per day heretofore allowed them. [*Passed June 17.*]

CHAPTER 82.

RESOLVE ON THE PETITION OF MELATIAH BOURN.

Legislative
Records of the
Council,
xxxviii., 579.
Mass.
Archives,
ccix., 127.
Mass.
Archives,
ccix., 128.

WHEREAS Melatiah Bourn Esq^r, an inhabitant of the Town of Sandwich, hath petitioned this Court for liberty to take the oath of allegiance to this State and to return to his family, professing himself to have been convinced since his refusal and commitment, that it is his duty to take said oath; and upon the representation made of the said Melatiah's character in private life, and his prudence in not opposing the publick measures to that degree some have done, there is ground to believe the said Melatiah is hearty in his professions and will demean himself as a good subject of this State; and as this Court are ever more ready to receive the returning penitent than to punish with rigour: therefore

Resolved that any Justice of the Peace for the County of Barn-

stable be, and he is hereby impowered to administer the oath of fidelity and allegiance to this State to the said Melatiah, upon his producing a certificate from the Committee of Correspondence, Inspection and Safety for the Town of Sandwich, that in their opinion there is sufficient reason to believe the said Melatiah is now heartily attached to the rights and liberties of America, and is ready and willing to defend this country against King George of Great Britain, and that they apprehend no damage will accrue to the publick by his being liberated and restored as a subject of this State; provided the said Melatiah shall first pay the legal charges that have arisen on his commitment and give bond with sufficient sureties to the Treasurer of this State in the sum of One thousand pounds, for his future good and loyal behaviour towards this and the United States of America during the present contest with Great Britain; and that the Secretary be directed to send an attested copy of this Resolve to the petitioner and another to the Committee aforesaid as soon as may be. [*Passed June 18.*¹

CHAPTER 83.

RESOLVE ON THE PETITION OF IVORY HOVEY.

ON THE PETITION of Ivory Hovey, representing that the Order of the General Court of the 29th of April last to Nathan Jones and William Tupper was not complied with, and praying for relief.

Resolved that the said Hovey be, and he is hereby directed to take his property, of every kind taken by the said Jones or by the said Tupper by the said Jones's order, or by any other person under the direction of the said Jones, in consequence of any power he, the said Jones, has received or has pretended to have received from the owners of the Sloop Advance.

And it is further

Resolved that the Sheriff of the County of Lincoln be, and he hereby is commanded to take into his custody the said Nathan Jones and William Tupper, Deputy Sheriff, and them bring, as soon as may be, before this Court or the Council in the recess, there to wait further order. [*Passed June 18.*

Legislative
Records of the
Council,
xxxviii., 589.
Mass.
Archives,
ccxviii., 348.
Mass.
Archives,
clxix., 195b;
ccxviii., 349-
352.

CHAPTER 84.

RESOLVE ON THE PETITION OF DOCT^r SAMUEL CROSBY.

ON THE PETITION of Doct^r Samuel Crosby, praying that he may be allowed for medicine of his own that he found when commanded on an alarm by Colonel Job Cushing.

Resolved that there be paid out of the publick Treasury of this State to Doct^r Samuel Crosby, the sum of Three pounds, eleven shillings and eight pence, in full for the medicine so found and used. [*Passed June 18.*

Legislative
Records of the
Council,
xxxviii., 590.

¹ This date is June 17 according to Legislative Records of the Council.

CHAPTER 85.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative
Records of the
Council,
xxxviii., 591.
Mass.
Archives,
ccix., 126.

WHEREAS it appears upon examination of the County Treasurer's accounts for the County of Suffolk, that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the year 1777 were for such purposes and appropriations as the law empowered the said Court to grant: Therefore

Resolved that the said account be allowed. [*Passed June 18.*]

CHAPTER 86.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative
Records of the
Council,
xxxviii., 591.
Mass.
Archives,
ccix., 132.

WHEREAS it appears upon examination of the County Treasurer's accounts for the County of Bristol, that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the year 1777 were for such purposes and appropriations as the law empowered the said Court to grant: Therefore

Resolved that the said account be allowed. [*Passed June 18.*]

CHAPTER 87.

RESOLVE ABATING HALF THE TAX ON THE TOWN OF WELLFLEET FOR 1777 AND 1778.

Legislative
Records of the
Council,
xxxviii., 591.
Mass.
Archives,
ccix., 133.

ON THE PETITION of the freeholders and other inhabitants of Wellfleet, in the County of Barnstable, setting forth that great numbers of said inhabitants have removed out of said Town and the distressed circumstances of such as remain.

Resolved that one half of the State Tax laid on the Town of Wellfleet for the years 1777 and 1778 be, and hereby is remitted on account of it's present distressed circumstances, and the inhabitants of said Town are excused from paying the said one half part of their taxes accordingly; and the Treasurer of this State is hereby directed to release and discharge the Collectors or Constables of said Town of Wellfleet, upon their paying into the Treasury the one half part of the sum levied on said Town for the years aforesaid, any law, usage or custom to the contrary notwithstanding. [*Passed June 18.*]

CHAPTER 88.

VOTE ON REPORT OF COMMITTEE AS TO THE EXPEDIENCY OF ORGANIZING THE MILITIA IN BARNSTABLE COUNTY.

Legislative
Records of the
Council,
xxxviii., 594.

THE COMMITTEE of both Houses on the letters from Brigadier Otis report that his letter of the 4th of May last, respecting the defenceless state of the islands, &c. in the County of Barnstable, is already provided for.

The other letters representing the difficulties of procuring the quotas of men from the several Towns for the Continental Army and to go to Rhode Island, arise from the unorganized companies and internal enemies: Your Committee are of opinion that effectual measures should be taken that the militia be immediately organized, and that the laws of this State already made and provided for punishing and restraining persons inimical to this and the United States the civil magistrates have full power to execute when any persons are prosecuted therefor.

In Council

Read and accepted

In the House of Representatives

Read and Concurred. [*Passed June 19.*¹]

Mass.
Archives,
ccxix., 134.

Mass.
Archives,
ccxix., 144.

CHAPTER 89.

RESOLVE IMPOWERING THE BOARD OF WAR TO SELL THE SLOOP PORTLAND AT PUBLIC AUCTION.

ON THE PETITION of the Board of War, praying for liberty to sell the Sloop Portland, belonging to the State of Virginia, at public vendue, the owners having requested a settlement of said vessel.

Resolved that the Board of War be, and they are hereby empowered to make sale at public auction of said vessel, with the other vessels and articles belonging to this State, lately permitted to be sold by a Resolve of the General Court, any law of this State to the contrary notwithstanding. [*Passed June 19.*]

Legislative
Records of the
Council,
xxxviii., 596.
Mass.

Archives,
ccxix., 140.

Mass.
Archives,
ccxix., 139.

CHAPTER 90.

RESOLVE ESTABLISHING PAY OF REPRESENTATIVES AND COUN- CILLORS.

WHEREAS the present high price of the necessities of life is such, that the former wages of the members of the General Assembly is by no means adequate to their expences: Therefore

Resolved that there be allowed to the Representatives eighteen shillings per day, and to the members of the Honorable Council twenty four shillings per day, for each day's attendance, and that the pay roll for the present session of the General Court be made up accordingly. [*Passed June 19.*]

Legislative
Records of the
Council,
xxxviii., 596.
Mass.

Archives,
ccxix., 141.

CHAPTER 91.

RESOLVE ON THE PETITION OF THE SELECTMEN OF HOLLISTON.

ON THE PETITION of the Selectmen of Holliston, in the County of Middlesex, setting forth that there is no innholder, house of entertainment or licenced person for selling spirituous liquors in the Town of said Holliston; that the road through said Town is of great utility to the publick; that the passengers with teams and others on publick service are obliged to travel twelve miles at least without refreshment; and that there is no Court of General

Legislative
Records of the
Council,
xxxviii., 596.
Mass.

Archives,
ccxix., 142.

Mass.
Archives,
ccxix., 143.

¹ This date is June 18 according to Legislative Records of the Council.

Sessions of the Peace in the County aforesaid where due application can be made for licence for three months at least, and the publick in the mean time must suffer by want of such house. And the said Selectmen have recommended to this Court Mr Simeon Cutler to keep an inn in said Town, being a person of sober conversation, suitably qualified and provided for such an employment as the law directs; praying the said Simeon Cutler may be licenced by this Court untill the next Court of Sessions in said County.

Resolved that any two Justices of the Peace in the County aforesaid, Quorum unus, be and they are hereby fully authorized and impowered to grant a licence to the said Simeon Cutler, to keep a publick tavern untill the next Session of the said County Court, and to recognize said Simeon Cutler with sureties to observe good rule and order agreeable to the laws of this State relating to public licenced houses. [*Passed June 19.*]

CHAPTER 92.

RESOLVE IMPOWERING THE COMMITTEE ON ACCOUNTS TO USE ONE OF THE ROOMS IN THE PROVINCE HOUSE.

Legislative
Records of the
Council,
xxxviii., 597.
Mass.
Archives,
ccxix., 144.

WHEREAS it has been represented to this Court that William Bant and others, who are appointed a Committee by the General Court for certain purposes, are in great want of a room to carry on the business to which they are appointed: Therefore

Resolved that William Bant, Peter Boyer and John Deming be, and they are hereby authorized and impowered to take possession of one of the rooms in the Province House (so called) suitable to transact the business incumbent on them by the appointment of the General Court in April last. [*Passed June 19.*]

CHAPTER 93.

RESOLVE DIRECTING THE MANAGERS OF THE STATE LOTTERY TO PAY MONEY RECEIVED INTO THE TREASURY.

Legislative
Records of the
Council,
xxxviii., 597.
Mass.
Archives,
ccxix., 145.

WHEREAS the Hon^{ble} Oliver Wendell Esq^r, Mr Henry Hill, Thomas Crane Esq^r, Caleb Davis Esq^r, and Mr Ezekiel Lewis, were appointed by a Resolve of the late General Court, dated May 2^d, 1778, Managers of a Lottery to raise a sum of money for the benefit of the army, and as it may be for the publick service that the money arising from the sale of the tickets in said Lottery be paid into the publick Treasury:

Therefore

Resolved that the Managers of said Lottery be, and they hereby are directed to pay into the publick Treasury of this State, the money they shall receive for said tickets, except so much as is to be paid off in small prizes, taking two receipts for the sums they shall so pay, one of which to be lodged in the Secretary's office. The money so paid into the Treasury to remain there until the special order of this Court. [*Passed June 19.*]

CHAPTER 94.

RESOLVE ON THE PETITION OF SAMUEL ELIOT.

ON THE PETITION of Samuel Eliot, praying for liberty to sell the cargoes of two ships lately sent into the port of Boston belonging to the State of Connecticut.

Resolved that the petitioner have leave to sell at publick auction such and so many of the articles and goods taken in said ships as are of a perishable nature, any law of this State to the contrary notwithstanding. [*Passed June 19.*]

Legislative
Records of the
Council,
xxxviii., 508.
Mass.
Archives,
ccxix., 146.
Mass.
Archives,
ccxix. 147.

CHAPTER 95.

RESOLVE ON THE PETITION OF ISAIAH STETSON.

ON THE PETITION of Isaiah Stetson, praying for a new trial in a case in which Daniel Halsey has recovered judgment and obtained execution against him.

Resolved that the prayer of the Petition be so far granted that the said Isaiah Stetson serve the said Daniel Halsey with a copy of his Petition and this Order thereon, ten days before the next sitting of the General Court, that he may shew cause, if any he hath, on the second Tuesday of the next session of said Court why the prayer of said Petition should not be granted. [*Passed June 19.*]

Legislative
Records of the
Council,
xxxviii., 595.
Mass.
Archives,
ccxix., 135.
Mass.
Archives,
ccxix., 136, 138.

CHAPTER 96.

RESOLVE RESPECTING THE MILITARY DUTY, ETC., OF PERSONS
LATELY ANNEXED TO FOXBOROUGH.

WHEREAS several regiments and companies may be divided by the late incorporation of the Town of Foxborough and occasion some difficulty in the present draught of men for the service of the State: Therefore

Resolved that the inhabitants lately incorporated into the Town of Foxborough, be directed to do duty in the regiments and companies they lately belonged to till the further order of this Court; and that the Selectmen of the several Towns from which said inhabitants were taken, be impowered to assess said inhabitants in their usual manner for their proportionable part of the Bounty given the men in the present draught; and that the Constables or Collectors of the several Towns from which they came, be impowered to collect the same, any Act to the contrary notwithstanding. [*Passed June 19.*]

Mass.
Resolves
(1778), p. 26,
c. 97.

CHAPTER 97.

RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS FROM SPRINGFIELD TO NORTHAMPTON.

Legislative
Records of the
Council,
xxxviii., 598.
Mass.
Archives,
ccxix., 150.

WHEREAS the Court of General Sessions of the Peace and Court of Common Pleas are by law to be holden at Springfield, within and for the County of Hampshire, on the last Tuesday of August next, and it appears to this Court that the Small Pox has been and now is prevalent in the said Town of Springfield, by reason whereof, the Justices and other persons concerned in and at said Courts may be deterred from attending there: Therefore

Resolved that the Court of General Sessions of the Peace and Inferiour Court of Common Pleas, by law to be holden at Springfield, within and for the County of Hampshire, on the last Tuesday of August next, be and hereby are adjourned to Northampton to be held at said Northampton, in and for the said County of Hampshire, on the said last Tuesday of August next; and that all writs, processes and recognizances returnable to, and all appeals made to the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas, appointed by law to be holden at Springfield aforesaid, and all matters, causes and things that have day, or that might have been had, moved or done at, in or by the said Courts, at the time and place so appointed for holding the same, shall be returnable to and may be entered, prosecuted, had, moved and done, at, in and by the said Court, at the time and place hereby appointed for holding the same, anything in law to the contrary notwithstanding. [*Passed June 20.*¹]

CHAPTER 98.

RESOLVE ON THE PETITION OF DAVIS HATCH.

Mass.
Archives,
ccxx., 26.

ON THE PETITION of Davis Hatch, praying for liberty to bring forward an appeal from a judgment of the Inferiour Court in the County of Lincoln for reasons set forth in said Petition.

Mass.
Archives,
ccxx., 24, 27,
28.

Resolved that the prayer of said Petition be so far granted as that the said Davis Hatch notify the said Thomas Gilpatrick, by serving him with an attested copy of said Petition and this Order thereon, to appear on the second Wednesday of the next sitting of the General Court, to shew cause (if any he have) why the prayer of said Petition should not be granted. [*Passed June 20.*]

CHAPTER 99.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER SAM^l PHILLIPS, ESQ^r, A QUANTITY OF SALTPETRE.

Legislative
Records of the
Council,
xxxviii., 600.
Mass.
Archives,
ccxix., 151.

Resolved that the Board of War be and they are hereby directed to deliver to M^r Samuel Phillips, of Andover, all the Salt Petre which is now under said Phillips' care, being the property of this State, taking his receipt for the same and obligation that he will manufacture it into good Gunpowder, and deliver the whole of

¹ This date is June 19 according to Legislative Records of the Council.

said Powder which said Salt Petre will make to them, or their order, for the use of this State; and said Phillips shall receive out of the publick Treasury three shillings and six pence for every pound of good merchantable Gunpowder he shall so deliver; provided that he, the said Phillips, shall be at the whole expence of all the other articles necessary to go into the composition of said Powder, and also of manufacturing the same and transporting the Powder so manufactured to Charlestown, or such other place equally distant from Andover, as the said Board shall order. And the said Board of War are further directed to sell to said Phillips at the current price, provided it shall not exceed Twelve pounds, ten shillings per hundred, so much Sulphur as is necessary for manufacturing said Salt Petre. [*Passed June 20.*]

CHAPTER 100.

APPOINTMENT OF FIELD OFFICERS OF THE 7TH MIDDLESEX COUNTY REGIMENT.

In the House of Representatives

The House by ballot unanimously made choice of the following persons as Officers for the seventh regiment of Militia in the County of Middlesex, viz^t.

William Thompson, Esq ^r	.	.	.	.	.	.	.	Colonel	Legislative
Jonathan Brown	.	.	.	.	.	.	.	Lieut. Colonel	Records of the
Ebenezer Bancroft	.	.	.	.	.	.	.	first Major	Council,
John Minot	.	.	.	.	.	.	.	second Major	xxxviii., 601.
William Bridge	.	.	.	.	.	.	.	Adjutant.	Mass.
									Archives,
									ccix., 152.
									Mass.
									Archives,
									ccix., 152½.

In Council

Read and Concurred. [*Passed June 20.*]

CHAPTER 101.

RESOLVE DIRECTING THE BOARD OF WAR TO RECEIVE IRON PURCHASED BY JOHN GODDARD, CONDUCTOR OF STORES.

Resolved that the Board of War be and they hereby are empowered and directed to receive of John Goddard, Conductor of Stores, a quantity of Iron purchased by him in Pennsylvania at the prime cost and charges. [*Passed June 20.*]

Legislative
Records of the
Council,
xxxviii., 601.
Mass.
Archives,
ccix., 153.
Mass.
Archives,
ccix., 154.

CHAPTER 102.

RESOLVE RESPECTING TAXATION OF PERSONS THAT HAVE REMOVED FROM SALEM.

UPON REPRESENTATION m[ade]¹ by the Select Men of the Town of Salem, it appears to this Court that since the first day of November, 1777, sundry of the inhabitants of said Town of Salem have removed out of said Town into some of the adjacent Towns, by reason whereof the publick taxes and other duties are much increased upon the remaining inhabitants thereof: Therefore

Resolved that the Assessors of the said Town of Salem and not the Assessors of the several Towns to which they have removed,

Legislative
Records of the
Council,
xxxviii., 601.
Mass.
Archives,
ccix., 155, 156.

¹ Inserted from Legislative Records of the Council.

be, and they are hereby impowered to tax all such inhabitants as have removed as aforesaid, for their rateable polls and rateable personall estates to the last Tax Act ordered by the General Court, and all such Town taxes as have or may be agreed upon by the said Town to defray their necessary charges, and also all [such]¹ taxes as shall or may be agreed upon [by the]¹ Great and General Court at their present [session].¹ And it is further

Resolved that the Constables or Collectors of the Town of Salem be and are hereby impowered to collect all such taxes as shall be assessed as aforesaid, any law to the contrary notwithstanding. [*Passed June 20.*]

CHAPTER 103.

RESOLVE DIRECTING BRIGADIERS TO ORDER THEIR BATTALIONS TO BE COMPLETELY EQUIPPED.

Legislative
Records of the
Council,
xxxviii., 602.
Mass.
Archives,
ccxix., 157.

AS THE BRITISH TROOPS by various accounts seem to be about leaving Philadelphia, it becomes highly necessary that every measure be taken to prevent as much as possible the burning and destroying the Towns along the sea coast, as has frequently been the case, more especially of late in their excursions from Newport: Therefore

Resolved that orders be immediately given to the Brigadiers of each County within this State, that they forthwith give orders to the several battalions under their command, to be compleat in arms and ammunition; and that they make an immediate return of the true state of the militia, as the law directs, into the Secretary's office within two months from the date of this Resolve; and in case any Brigadier within this State shall refuse, or neglect to make return as aforesaid, within two months after the publication of this Resolve, he shall pay a fine of One hundred pounds; said fine to be recovered by action of debt, to be brought by the Attorney General before any of the Inferiour Courts of Common Pleas in this State; which fine when recovered shall be paid into the public Treasury for the purpose of defraying the expences of government.

And the Secretary of this State is directed immediately to transmit to the Brigadier or commanding officer of each Brigade a copy of this Resolve, and cause the same to be published in the Boston and Worcester News Papers. [*Passed June 20.*]

CHAPTER 104.

RESOLVE ALLOWING TOWNS AND PLANTATIONS £30 FOR EACH MAN RAISED AGREEABLE TO RESOLVE OF APRIL 20, 1778.

Legislative
Records of the
Council,
xxxviii., 603.
Mass.
Archives,
ccxix., 160.

WHEREAS by a Resolve of the General Court of the 23^d day of April last, each Town and Plantation in this State were promised an allowance of Thirty pounds for each man they should raise to reinforce the Continental Army, agreeable to a Resolve of the 20th of April last, which sum was to be deducted out of the next State Tax to be put on said Town or Plantation. And whereas this Court in the present session have issued a tax on the several Towns and Plantations in this State: Therefore

¹ Inserted from Legislative Records of the Council.

Resolved that if any Town or Plantation in this State shall make it appear to this Court by the oath of the militia officer commanding a company, and where there is no such officer by the oath of the Select Men or Committee of such Town or Plantation, that they have complied with the Resolve of the 20th of April aforesaid, on or before the first Tuesday of the next sitting of the General Court, such Town or Plantation shall be entitled to the said sum of Thirty pounds aforesaid and it shall be deducted from the present tax put on said Town or Plantation. [*Passed June 20.*]

CHAPTER 105.

RESOLVE ALLOWING £90 TO CAPT. DANIEL LANE FOR THE PURPOSE OF PROVIDING FOR CERTAIN PENOBSCOT INDIANS, THEIR CONVEYANCE HOME, ETC.

ON A LETTER from General Schuyler dated at Albany the 10th instant, respecting a number of Indian Chiefs of the Penobscot tribe sent to this State under the conduct of Cap^t Daniel Lane: Legislative Records of the Council, xxxviii., 603. Mass. Archives, cxliv., 409.

Resolved that there be allowed & paid out of the public Treasury to Cap^t Daniel Lane the sum of Ninety pounds, for the purpose of providing for himself and said Indians and conveying them to Penobscot, he to be accountable to this Court for the expenditure of the same. It is further

Resolved that the Board of War be, and they are hereby directed to deliver to said Lane, to be by him delivered to the four Indians, which he hath conducted here by order of the Commissioners of the Northern Department, the following articles, Viz^t four Blankets of Blue Stroud, two yards of red Broad Cloth for Stockings, four ruffled Shirts or Cloth for the same, three pair of Shoes, three good Laced Hats not exceeding Six pounds, and one plain ditto and also a Belt of Wampum and three Silver medals not exceeding One pound ten shillings each. Also

Resolved that Cap^t Daniel Lane be appointed to accompany and conduct said Indians towards Penobscot untill he can procure a passage for them by water. Also

Resolved that all the above be charged to the United States. [*Passed June 20.*]

CHAPTER 106.

RESOLVE ON THE PETITION OF THE SELECTMEN OF MANSFIELD.

ON THE PETITION of the Selectmen of the Town of Mansfield, representing that they made a mistake of eight people in the return of the male inhabitants of that Town. Legislative Records of the Council, xxxviii., 604. Mass. Archives, cxix., 158.

Resolved that the Secretary be, and he is hereby directed to deduct eight men from the return of the male inhabitants of the Town of Mansfield. [*Passed June 20.*]

Mass. Archives, ccxix., 159.

CHAPTER 107.

Legislative
Records of the
Council,
xxxviii., 590.
Mass.
Archives,
ccix., 164.

RESOLVE ON THE PETITION OF SAMUEL JORDAN AND THOMAS MILLIKEN.

ON THE PETITION of Samuel Jordan and Thomas Milliken, praying that an action commenced against them by Nathan Jones, on account of the Sloop Advance, may be suspended.

Resolved that the prayer of said Petition be granted, and that the said action be and it hereby is suspended until the further order of this Court. [*Passed June 22.*¹]

Mass.
Archives,
ccix., 165.

CHAPTER 108.

RESOLVE ON THE PETITION OF CAPT. JOSIAH GODFREY.

Legislative
Records of the
Council,
xxxviii., 601.
Mass.
Archives,
ccix., 162, 163.

ON THE PETITION of Josiah Godfrey, praying that his three rations per diem, as commander of the Cartel Brig Swift, may be allowed him in consequence of his not being able to receive them by having had the Small Pox and confined at Rainsford Island.

Resolved that the prayer of the Petition be granted, and the Commissary General is hereby directed to pay the said Godfrey, or his order, three rations per diem for the time he commanded the Cartel Brig. Swift, agreeable to the prayer of his Petition. [*Passed June 22.*²]

Mass.
Archives,
ccix., 161.

CHAPTER 109.

RESOLVE ALLOWING £4,000 TO THE COMMITTEE FOR SUPPLYING THE ARMY.

Legislative
Records of the
Council,
xxxviii., 605.
Mass.
Archives,
ccix., 167, 168.

Resolved that there be paid out of the publick Treasury of this State to Caleb Davis Esq^r, and others, a Committee for supplying that part of the army raised in this State with small stores, such sums of money from time to time, as may enable them to procure such small stores as may be necessary, provided such sums do not exceed the sum of Four thousand pounds; and that they be accountable to this Court for the expenditure of such sums as they shall respectively receive. [*Passed June 22.*²]

CHAPTER 110.

RESOLVE PERMITTING MEHITABLE JONES TO GO TO NEW YORK.

Legislative
Records of the
Council,
xxxviii., 605.
Mass.
Archives,
ccix., 170.

ON THE PETITION of Mehitable Jones, praying that she may have liberty with her six children to repair to New York to her husband Elisha Jones.

Resolved that the Prayer of this Petition be granted, and that Mehitable Jones with her six children be, & they are hereby permitted to depart this State for New York, and with liberty to carry with her such household furniture and necessaries as the Committee of the Town of Pittsfield have allowed her and family

Mass.
Archives,
ccix., 169.

¹ This date is June 18 according to Legislative Records of the Council.

² This date is June 20 according to Legislative Records of the Council.

for their subsistence during her husband's absence; and the said Committee is hereby directed to see that she carry no letters or papers detrimental to this or the United States. [*Passed June 22.*]

CHAPTER 111.

RESOLVE DIRECTING THE BOARD OF WAR TO PRESENT FIREARMS TO CERTAIN PENOBSCOT INDIANS.

Legislative
Records of the
Council,
xxxviii., 605.

Resolved that the Board of War be, and they are hereby ordered to present a Fire Arm to each of the three Indian Chiefs of the Penobscot tribe, now on their return home from Albany, and also a Fire Arm to the Indian who accompanies them. [*Passed June 22.*]

Mass.
Archives,
xlv., 411.

Mass.
Archives,
cxliv., 410.

CHAPTER 112.

RESOLVE FOR PRESENTATION OF BOOKS TO HARVARD COLLEGE.

Resolved that the Committee of Sequestration be, and they are hereby directed to present to the Corporation of Harvard College, in the name of this Court, the several Books within mentioned, to be deposited in the library for the use of the students of that Society.

Legislative
Records of the
Council,
xxxviii., 605.
Mass.
Archives,
ccxix., 177. 178.

Suetonius
Clarke's Justin
Milner's Latin Grammar
Mattaire's Pliny
Gordon's Tacitus
Quintilian
Cornelii Nepos
Epicteti Manuale
Lucani Pharsalia
Flori Epitome
Macrobi Opera
Salmon's Geography
Varonius' d^o
Porterfield on the Eye
Neuman's Chemistry
Macbride on fixed Air

Lemery's Chemistry
Hale's Statics
Wilson's Navigation
Leadbetter's Dialling
Love's Surveying
Witty on the Sphere
Perrie on the Laws of Motion
Boyle on Colours
Atkinson's Navigation
Rowning's Philosophy
Smith's Optics
Keill's Astronomy
Newton's Optics
Shaw's Chemistry
Schrevelius' Lexicon

Greek Testaments
Pike's Lexicon
Mouteney's Demosthenes
Pearce's Longinus
Sophoclis Tragedia
Greek Grammars
Porny's Heraldry
Reid on the Mind
Taylor on the Romans
Ward's Mathematics
Hammond's Algebra
Fenning's d^o
Ronayne's d^o
Hodgson's Mathematics
Cunn on the Sector, Ditton's Fluxions

[*Passed June 22.*]

CHAPTER 113.

RESOLVE ON THE PETITION OF BRIGADIER JOHN FELLOWS.

ON THE PETITION of Brigadier Fellows.

Resolved that the Board of War be directed to deliver him, or his order, one Ammunition Wagon and the necessary apparatus and harness for the same.

Legislative
Records of the
Council,
xxxviii., 606.

Also

Resolved that the sum of Twenty pounds four shillings be allowed and paid to said Fellows out of the public Treasury, for that sum by him laid out and expended in paying expressees on publick service, as fully appears by the vouchers exhibited with this Petition. [*Passed June 22.*]

CHAPTER 114.

RESOLVE PERMITTING REBECCA BANGS TO GO TO HALIFAX.

Legislative
Records of the
Council,
xxxviii., 606.
Mass.
Archives,
ccix., 179.
Mass.
Archives,
ccix., 180.

ON THE PETITION of Rebecca Bangs, praying that she may have leave for herself and children to depart this State for Hallifax to her husband.

Resolved that she have, and she hereby has liberty to sell so much of her effects as shall carry her and her children to Hallifax, and that she have, and hereby has liberty to sail in the next Cartel from Boston, and to be under the direction of the Commissary of Prisoners for said purpose. [*Passed June 22.*]

CHAPTER 115.

RESOLVE ON THE PETITION OF THE SELECTMEN OF WILLIAMSTOWN.

Legislative
Records of the
Council,
xxxviii., 607.

ON THE PETITION of the Selectmen of the Town of Williamstown, requesting payment for service carrying baggage from that place to Montreal for Capt. Sabin's company in the service of this State.

Resolved that the sum of Twenty five pounds four shillings be paid to the said Selectmen out of the publick Treasury for the service of carrying said baggage. [*Passed June 22.*]

CHAPTER 116.

RESOLVE IMPOWERING ELIZABETH GAGE TO EXECUTE A DEED.

Legislative
Records of the
Council,
xxxviii., 607.
Mass.
Archives,
ccix., 181.
Mass.
Archives,
ccix., 181.

ON THE PETITION of the Selectmen of Beverly, together with Elizabeth Gage, setting forth that her husband, Andrew Gage, was taken prisoner by a British armed vessel in the year 1775 and detained there ever since; that she is left with a large family of young children which depend on her for their whole support, by means of which she is reduced to extreme want; and praying for liberty that she may sell certain lands set forth in said Petition, the fee of which is in her, for the support of herself and children.

Resolved that the prayer of said Petition be granted and that Elizabeth Gage, the wife of Andrew Gage, be, and hereby is fully empowered to sell about four acres of improved land and a small wood-lot lying in Beverly, in the County of Essex, the fee of said land being vested in her, and to make and execute a good and sufficient deed or deeds of the same; which deed or deeds, when so executed, shall be good and valid to all intents and purposes as fully as if her husband were present and joining with her in such sale; provided the said lands shall be sold on such conditions and under such restrictions, as the Selectmen and Overseers of the Poor of said Town shall think proper. [*Passed June 22.*]

CHAPTER 117.

ORDER ON THE PETITION OF BENJAMIN COFFIN AND OTHERS.

ON THE PETITION of Benja Coffin of Edgartown and others, praying that a law might be made to prevent cattle, horses and sheep from feeding or going at large on a beach lying on the great pond so called in said Edgartown.

Mass.
Archives,
ccxix., 172.

Mass.
Archives,
ccxix., 173, 174.

Ordered that the petitioners notify the said Town of Edgartown by posting up copies of this Order in the most publick places in said Town, that they or any persons concerned may shew cause, if any they have, on the second Thursday of the next sitting of this Court why the prayer of said Petition should not be granted. [*Passed June 22.*]

CHAPTER 118.

RESOLVE ON THE PETITION OF RICHARD CLARK AND OTHERS.

ON THE PETITION of Richard Clark, and others of the Committee of Safety, &c of the Town of Watertown, praying for the repeal of a Resolve of the late General Court of the 24th of April last, permitting Isaac Jones of Weston to prosecute an appeal to the Superior Court from the judgment of the Court of General Sessions of the Peace held in the County of Middlesex.

Mass.
Resolves
(1778), p. 30,
c. 118.

Resolved that said Committee serve said Jones with a copy of their Petition and this Order thereon, at least fourteen days before the second Wednesday of the next sitting of the General Court, that he may then shew cause, if any he have, why the prayer of said Petition should not be granted, and that in the mean while all further proceedings thereon be stayed. [*Passed June 22.*]

CHAPTER 119.

RESOLVE ALLOWING THE TOWN OF FALMOUTH FOR CERTAIN VOLUNTEERS THE BOUNTY AND PAY ALLOWED BY RESOLVE OF THE 12TH INSTANT.

WHEREAS in consequence of an exertion made by the Town of Falmouth to reinforce the Continental Army, whereby that Town engaged fifty volunteers to serve in said army untill the last day of November next, this Court have exempted it from the draught of 1,800 men ordered by a Resolve of Court that passed the 12th current, to be made for the defence of this State and the State of Rhode Island; and whereas sixteen of the said fifty volunteers have not received any encouragement of bounty or pay from this State, and it appearing just and reasonable that equal encouragement be given to those who are willing to risque their lives in defence of the common cause:

Legislative
Records of the
Council,
xxxviii., 574.
Mass.
Archives,
ccxix., 206.

Mass.
Archives,
ccxviii., 479.

Resolved that there be allowed to the Town of Falmouth the same bounty and pay for the sixteen men above mentioned (inclusive of Continental pay), as is promised to such as shall engage or be draughted agreeably to the Resolve aforesaid. [*Passed June 23.*]¹

¹ This date is June 16 according to Legislative Records of the Council.

CHAPTER 120.

RESOLVE FOR RAISING 1,000 MEN TO SERVE AS GUARDS OVER THE TROOPS OF THE CONVENTION, ETC.

Legislative
Records of the
Council,
xxxviii., 592.
Mass.
Archives,
ccxix., 189a,
194-197.

Mass.
Archives,
ccxix., 187-193.

WHEREAS it has been represented to this Court by Gen^l Heath, that the time for which the men are engaged, who are now employed as guards to the Troops of the Convention and magazines and publick stores in this State, will soon expire and that it will be immediately necessary to raise a number of men to supply their places: Therefore

Resolved that One thousand men be raised for the purposes aforesaid, to be under the command of Gen^l Heath and to serve from the time of their being enlisted or detached untill the first day of January next, unless sooner discharged: And for this purpose

Resolved that the Brigadier or commanding officer of the County of Suffolk detach or cause to be detached from his Brigade One hundred and thirteen men; that the Brigadier or commanding officer of the County of Essex detach or cause to be detached from his Brigade One hundred and forty four men and one Colonel; that the Brigadier or commanding officer of the County of Worcester detach or cause to be detached from his Brigade One hundred and forty men and one Lieut. Colonel; that the Brigadier or commanding officer of the County of Middlesex detach or cause to be detached from his Brigade One hundred and twenty one men; that the Brigadier or commanding officer of the County of Hampshire detach or cause to be detached from his Brigade One hundred and six men; that the Brigadier of the County of Plymouth detach or cause to be detached from his Brigade Eighty five men and one Major; that the Brigadier or commanding officer of the County of Bristol detach or cause to be detached from his Brigade Seventy one men; that the Brigadier or commanding officer of the County of Berkshire detach or cause to be detached from his Brigade Fifty five men; that the Brigadier or commanding officer of the County of York detach or cause to be detached from his Brigade Forty eight men; that the Brigadier or commanding officer of the County of Barnstable detach or cause to be detached from his Brigade Forty four men; that the Brigadier or commanding officer of the County of Cumberland detach or cause to be detached from his Brigade Forty one men; that the Brigadier or commanding officer of the County of Lincoln detach or cause to be detached from his Brigade Thirty two men. And that the Brigadiers or commanding officers as aforesaid shall forthwith make said detachments or cause them to be made indiscriminately from the Train Band and Alarm List and all other male persons above the age of sixteen, excepting the members of the General Assembly, officers and students of Harvard College, Ministers of the Gospel, Grammar School Masters, Quakers Indians, Negroes and Molattoes; and form the men so detached into companies as near as may be of Sixty eight men each, exclusive of officers; each company to be commanded by one Captain and two subalterns to be detached for that purpose, and cause them to be marched without delay by the most convenient route to the place of their destination, and that they make return to the Council of the men by them so raised and actually marched at or before the first day of July next.

And it is further

Resolved that Gen^l Heath be furnished with a copy of this Resolve and be requested to send orders to the Brigadiers or com-

manding officers of the several Counties to march their men to such place or places as he shall think fit. And the said Brigadiers or commanding officers are hereby directed to take special care that they march to such place or places without delay.

It is likewise

Resolved that if any person shall be detached by his officer for the service aforesaid, and shall not within Twenty four hours after he is so detached pay a fine of Ten pounds, or procure some able bodied man in his room, properly armed and equipped, he shall be held as a soldier in said detachment and treated as such, unless he shall procure a certificate from the Selectmen or Committee of the Town or Plantation to which he belongs within said time, that he is not in their opinion able of body to serve in person, nor in circumstances able to pay said fine. And the officer who shall receive any fines by virtue of this Resolve shall proceed to hire men therewith or detach others, as the case may be, untill he hath compleated his quota. And it is also

Resolved that where there are no Militia Officers, the Selectmen, and where there are no Selectmen nor Militia Officers, the Committee are impowered and directed to do all duties by these Resolves enjoined on Militia Officers and Selectmen.

Resolved that the men who shall be enlisted or detached from the militia of the several Towns in this State, by virtue of the foregoing Resolves, shall be held and returned for the Towns whereof they are inhabitants and no other; and that all contracts, bargains &c, made with any person to serve for any other Town than that whereof he is an inhabitant shall be null and void; and all persons who shall receive any money or other consideration upon such bargain, contract or agreement, shall be intituled to hold the same and liable to no damage therefor.

And it is further

Resolved that the Brigadiers or commanding officers of the aforesaid Counties, where it may be for conveniency and the good of the service, may appoint officers other than those belonging to the militia, who have had commissions of equal rank and approved good officers, and recommend them to the Council that they may be commissioned accordingly.

Resolved that there be paid out of the publick Treasury of the State to every non-commissioned officer and private to encourage them to enter into the service, Five pounds per month in addition to the Continental pay. And also

Resolved that the Selectmen of the respective Towns in this State be, and they are hereby directed to pay to each officer and soldier detached from their Towns, six pence per mile from their respective Towns to the place of their destination for mileage and carrying of packs, and lay their accounts therefor before this Court for allowance. [*Passed June 23.*¹

CHAPTER 121.

RESOLVE PERMITTING CAPT. GEORGE WILLIAMS TO RESIGN FROM THE BOARD OF WAR.

Resolved that Cap^t George Williams have and he hereby has leave, at his own request of this day, to resign his seat at the Board of War and he is hereby excused from all further attendance at said Board. [*Passed June 25.*

¹ This date is June 18 according to Legislative Records of the Council.

CHAPTER 122.

RESOLVE IMPOWERING THE COUNCIL TO STAY THE ISSUANCE OF ORDERS FOR RAISING MEN TO GUARD THE TROOPS OF THE CONVENTION.

Legislative
Records of the
Council,
xxxviii., 608.
Mass.
Archives,
ccix., 184.

Resolved that the Hon^{ble} Council be and hereby are impowered and desired to engage so many of the men, who are now guarding the Troops of the Convention, or those who are serving as guards in the Town of Boston and other parts of the State, whose time of service will expire on the second day of July next, as are willing to enlist to serve until the first day of January next, or until the detachments this day ordered shall arrive in camp, provided they will engage at the rate of Nine pounds per month, [at] which the Council are impowered to engage them.

And the Council are requested to stay issuing their orders for the detachments aforesaid until they can determine how many men will engage on the terms aforesaid; and if it shall appear that a number sufficient to make up the draft this day ordered to be made, will not engage to serve until the first day of January next, the Council are in that case requested to issue orders to the several Brigadiers within this State to detach a number for the purpose aforesaid equal to the deficiency, to be proportioned on the several Brigades, due consideration to be had to such Counties where the men who may engage as aforesaid do belong. [*Passed June 23.*]

CHAPTER 123.

APPOINTMENT OF CAPT. JOHN F. WILLIAMS TO COMMAND THE BRIGANTINE HAZARD.

Legislative
Records of the
Council,
xxxviii., 609.
Mass.
Archives,
ccix., 185.

In the House of Representatives
The House made choice by ballot of Capt John Foster Williams to command the Brigantine Hazard.

In Council
Read & Concurred. [*Passed June 23.*]

CHAPTER 124.

RESOLVE ON THE PETITION OF COL^O JOHN CRANE.

Legislative
Records of the
Council,
xxxviii., 610.
Mass.
Archives,
ccix., 184.

ON THE PETITION of Col^O Crane in behalf of some soldiers in his regiment.

Resolved that Nath^l Barber Esq^r, Muster Master for the County of Suffolk, be and he is hereby ordered to pay to Col^O Crane the bounty allowed by this State for fourteen men, agreeable to a roll by him presented to this Court, taking his receipt for the sum by him so received, specifying the mens names for whom the bounty as aforesaid is paid. [*Passed June 23.*]

Mass.
Archives,
ccix., 199.

CHAPTER 125.

RESOLVE APPOINTING GEORGE PARTRIDGE, ESQ^r, AN AGENT TO ASCERTAIN THE AMOUNT OF CLOTHING REQUIRED BY THE CONTINENTAL REGIMENTS.

Resolved that George Partridge Esq^r, be and he is hereby appointed an Agent, whose business it shall be immediately to repair to head quarters, or any other place where the Troops from this State may be stationed, if he shall think it necessary, and there make diligent inquiry into the state of cloathing of the fifteen battalions raised in this State, and procure a return from the commanding officers of the said regiments of the quantity and kind of cloathing due to their several regiments from the Continent; and make report thereof to the Board of War, who are hereby authorized and required to compleat any deficiency that may thus appear, either by draught from the Continental Agents for Cloathing in Boston, or by purchasing said cloathing, as may to them appear most for the public interest; and to forward such cloathing so procured to the army under the care of the Conductor of this State, or some other suitable person, directing him to deliver said cloathing to the Commissary appointed by this Court to supply that part of the army which has been raised in this State, taking their receipts for the same; and the Continental Agents of Cloathing in Boston are hereby desired to furnish said Board of War with any quantity of cloathing they may request of them.

And it is further

Resolved that the Hon^{ble} Council of this State be requested to write a letter to the Hon^{ble} the Continental Congress, desiring them to inform this State of the expectations of Congress with regard to this State's cloathing their troops in future, informing them of the damage we apprehend would arise from the appointment of any person to make purchases of cloathing in this State other than the Continental Agents, from an interference and a consequent enhancing of prices, and therefore requesting that the Board of War may receive from them from time to time this State's proportion of cloathing, and to desire from Congress a grant of money in part of what has been disbursed by this State on the credit of the United States till our accompts with them can be adjusted.

And the Agent aforesaid is hereby directed to convey said letter to Congress and bring their answer upon the subject, and to inquire if any and what quantities of cloathing and stores are detained on the road and where, and give information thereof to the Conductor of Stores.

Resolved that there be advanced and paid out of the public Treasury to George Partridge Esq^r, to enable him to perform the duties to which he is by this Resolve appointed, the sum of Two hundred pounds, he to be accountable to this Court for the same.
[Passed June 23.]

CHAPTER 126.

RESOLVE ON THE PETITION OF ENOCH HALLET.

ON THE PETITION and memorial of Enoch Hallet, Superintendent in the County of Barnstable, praying directions respecting six delinquent soldiers.

Legislative
Records of the
Council,
xxxviii., 610.
Mass.
Archives,
cexix., 200, 201.

Legislative
Records of the
Council,
xxxviii., 611.

Mass.
Archives,
ccxix., 202.

Mass.
Archives,
ccxix., 203.

Resolved that Edward Howes and Jabez Hinkley be delivered to Gen^l Heath to be disposed of as he shall think proper, and that the remaining four viz. Solomon Crowell, Enos Nickerson, James Crosbey and Abel Suppawson, be delivered to Capt Robinson, commanding officer of the guard in Watertown, to be by him detained in safe custody untill a convenient opportunity presents for their being safely conveyed to their severall regiments in the Continental Army; and Capt Robinson is desired to deliver the above named four men to any commissioned or non-commissioned officer of the Continental Army or Militia of this State, that will undertake to conduct them to Fish Kill the place of their destination. [*Passed June 23.*]

CHAPTER 127.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE INTO THE STATE OF THE LABORATORY.

Legislative
Records of the
Council,
xxxviii., 611.
Mass.
Archives,
ccxix., 205.

In the House of Representatives

Whereas it is represented to this Court that the Laboratory of this State is in an improper condition: therefore

Resolved that Col^o Dawes and Capt Williams, with such as the Hon^{ble} Board may join, be a Committee to examine into the state thereof and to make such regulations respecting it as they shall think fit untill the next sitting of the Court.

In Council

Read and concurred and Oliver Wendell Esq^r, is joined. [*Passed June 23.*]

CHAPTER 128.

Legislative
Records of the
Council,
xxxviii., 612.
Mass.
Archives,
ccxix., 207.

RESOLVE ADDING CAPT. THOMAS BROOKS TO THE COMMITTEE ON ACCOUNTS.

Resolved that Capt Thomas Brooks be added to the Committee on Accounts. [*Passed June 23.*]

CHAPTER 129.

RESOLVE PERMITTING HALLET COLLINS TO BRING HIS FAMILY FROM NOVA SCOTIA.

Legislative
Records of the
Council,
xxxviii., 612.
Mass.
Archives,
ccxix., 208.

ON THE PETITION of Hallet Collins, praying for liberty to return to Liverpool and bring his family and effects to this State.

Resolved that Hallet Collins be and he hereby is permitted to repair to Liverpool in Nova Scotia and bring his family and effects to this State any time within three [months]¹ from the time he shall leave this State, and all armed vessels are hereby directed to permit the said Collins with his family and effects to pass unmolested. [*Passed June 23.*]

Mass.
Archives,
ccxix., 209.

¹ Inserted from Legislative Records of the Council.

CHAPTER 130.

RESOLVE DETERMINING THE INTENT AND MEANING OF THE WORD
INHABITANT.

WHEREAS doubts have arisen respecting the true intent and meaning of the word inhabitant in the late Tax Acts:

Resolved that all male persons, from sixteen years old and upwards, residing and doing business in any Town within this State, shall be considered within the true intent and meaning of these acts, and the assessors are directed to proceed to assess them for their trade and faculties exercised there, and for their polls, if not taxed elsewhere accordingly. [*Passed June 23.*]

Legislative
Records of the
Council,
xxxviii., 612.
Mass.
Archives,
ccix., 211.

CHAPTER 131.

RESOLVE GRANTING ADDITIONAL PAY TO OFFICERS AND MEN IN
COL. JACOB'S AND COL. WADE'S REGIMENTS.

WHEREAS it appears to this Court that a number of officers and soldiers inlisted into Col^o Jacob's and Col^o Wade's regiments some time since have not a sufficient sum allowed them as wages:

Resolved that there be paid out of the publick Treasury of this State to each Captain so inlisted and continuing in said service until the first day of January next, unless sooner discharged, the sum of Forty shillings per month in addition to the Continental pay; to each Lieutenant Three pounds per month continuing as abovesaid; and to each non-commissioned officer and private soldier the sum of Three pounds thirteen shillings per month in addition to their late established wages, the said additional pay to begin the fifteenth of July next. [*Passed June 23.*]

Legislative
Records of the
Council,
xxxviii., 612.
Mass.
Archives,
ccix., 213.

CHAPTER 132.

RESOLVE ON THE PETITION OF A COMMITTEE OF THE TOWN OF
MARLBOROUGH.

ON THE PETITION of the Committee of the Town of Marlborough, praying that they might have another hearing on the action which was pending in the Inferior Court for the County of Middlesex between one Micah Bush and one Silas Taylor, as set forth in their Petition.

Resolved that the prayer of the Petition be so far granted as that the aforesaid Committee serve the adverse party with a copy of the aforesaid Petition and this Order of Court thereon, that they shew cause, if any they have, on the second Wednesday of the next sitting of the General Court, why the prayer of said Petition should not be granted. [*Passed June 23.*]

Mass.
Resolves
(1778), p. 33,
c. 124.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SIXTEENTH DAY OF SEPTEMBER, A.D. 1778.

CHAPTER 133.

RESOLVE FOR ERECTING A MONUMENTAL STONE IN MEMORY OF
CHEVALIER DE SAINT SAUVEUR.¹

Legislative
Records of the
Council, 619.
Mass.
Archives,
ccxix., 217.

WHEREAS on the evening of the 8th instant in an affray which happened in the Town of Boston by high insults offered to some French bakers by certain riotous persons unknown, the Chevalier de Saint Sauveur, in endeavouring to make peace, received a wound in the head which ended his life on the 15th; and as this Court hold in the highest detestation the perpetrators and abettors of this horrid deed and out of respect to the memory of the deceased:

Resolved that this government will provide a monumental stone to be placed in the burial ground where his remains shall be deposited, with such inscription as his Excellency the Count d'Estaing shall order.

And this Court will attend in procession the corpse of the deceased to the place of interment.

Resolved that Col^o Thomas Dawes be a Committee to see the monumental stone erected accordingly. [*Passed September 16.*]

CHAPTER 134.

RESOLVE ORDERING 1,200 MEN TO BE DETACHED FOR SERVICE AT
BOSTON.

Legislative
Records of the
Council, 620.
Mass.
Archives,
ccxix., 218.

WHEREAS the Hon^{ble} Council did on the 7th instant order a detachment from the Militia of this State of twelve hundred men, exclusive of commissioned officers, to reinforce Gen^l Sullivan; and whereas by the late intelligence it is probable the said detachment may be of more service to the general cause by being stationed at the posts in and about Boston, where a number of men are immediately wanted: Therefore

Resolved that the said detachment of twelve hundred men, exclusive of commissioned officers, be immediately ordered to march to Boston and be under the command of Major General Heath, the order of Council before referred to notwithstanding. [*Passed September 17.*]

¹ This resolve was carried out after 139 years by the Commonwealth of Massachusetts under authority of chapter 151 of the Resolves of 1916. A monument bearing an inscription prepared by d'Estaing was erected in the plot beside the tower of King's Chapel (under which the Chevalier is said to have been buried) and was unveiled by Gov. Samuel W. McCall, May 24, 1917. The dedication exercises included a procession from the State House of a large delegation from the House of Representatives, and services in the chapel, with an historical address by Representative Fitz-Henry Smith, Jr., of Boston, and an address by Maj. Paul Azan, head of the French Military Mission to Harvard.

CHAPTER 135.

RESOLVE PERMITTING MESSRS. LAFITTE AND PERRIEU TO EXPORT FISH.

ON THE PETITION of Messrs Lafitte & Perrieu, praying for permission to export a quantity of damaged fish.

Resolved that the said Messrs Lafitte & Perrieu be, and they hereby are permitted to export to the Island of New Hispaniola three hundred quintals of Fish in the Schooner Venus, any Resolve to the contrary notwithstanding. [*Passed September 18.*]

Legislative
Records of the
Council,
xxxviii., 621.
Mass.
Archives,
ccix., 222.
—
Mass.
Archives,
ccix., 222½.

CHAPTER 136.

RESOLVE PERMITTING MESSRS. DOMBLIDER AND HUREL TO EXPORT FISH.

ON THE PETITION of Messrs Domblider & Hurel, praying for permission to export a quantity of fish.

Resolved that the said Domblider & Hurel be, and they hereby are permitted to export in the Schooner La Sincere one hundred and six hogsheads of fish to either of the French West India Islands, any Resolve to the contrary notwithstanding. [*Passed September 18.*]

Legislative
Records of the
Council,
xxxviii., 621.
Mass.
Archives,
ccix., 220.
—
Mass.
Archives,
ccix., 221.

CHAPTER 137.

RESOLVE ALLOWING £15,000 TO THE COMMITTEE ON ACCOUNTS.

WHEREAS the Committee on Accounts have represented that the money appropriated at the last session of the General Court to pay such accounts as might be by them allowed is expended; and as it is necessary that a further sum be appropriated for that purpose: Therefore

Resolved that the Hon^{ble} Council be authorized to issue their warrants from time to time on the Treasurer of this State, in favour of the Committee appointed by Council to concur in passing accounts, for such sums as they (the said Council) shall judge necessary for the payment of such accounts; provided the amount of such warrants shall not exceed the sum of Fifteen thousand pounds, said Committee to be accountable for the money they shall receive. [*Passed September 18.*]

Legislative
Records of the
Council,
xxxviii., 623.
Mass.
Archives,
ccix., 223.
—

CHAPTER 138.

RESOLVE ON THE PETITION OF MOSES DAVIS, ESQ^R.

ON THE PETITION of Moses Davis, Esq^r, praying for allowance for money paid for provisions, &c for the Militia, when called in to defend the inhabitants in the County of Lincoln against the Milford Frigate the last year.

Resolved that there be allowed and paid out of the Treasury of this State to the petitioner, Moses Davis, Esq^r, Sixty five pounds,

Legislative
Records of the
Council,
xxxviii., 624.
—

in full for supplying the Militia with provisions, &c., when called in to defend the inhabitants of Lincoln [County] against the Milford Frigate in Seventeen hundred and seventy seven. [*Passed September 18.*]

CHAPTER 139.

RESOLVE ON THE PETITION OF PAUL RAYMOND AND WILLIAM RAYMOND.

ON THE PETITION of Paul Raymond & William Raymond.

Resolved that the prayer of the Petition be so far granted as that the said Paul Raymond and William Raymond notify the adverse party Mercy Woolley, by serving her with a copy of this Petition and Order of Court fourteen days before the first Tuesday of the next sitting of the General Assembly, that she may shew cause, if any she has, on the said first Tuesday of the sitting of said Assembly, why the prayer thereof should not be granted; and all proceedings in and touching said Action are hereby ordered to be stayed, and said petitioners are hereby ordered to serve the Clerks of the Superior Court with a copy of this Order, that they may govern themselves accordingly. [*Passed September 18.*]

Legislative
Records of the
Council,
xxxviii., 624.
Mass.
Archives,
ccix., 225.

Mass.
Archives,
ccix., 224.

CHAPTER 140.

RESOLVE DIRECTING TIMOTHY PARSONS TO APPEAR AND ANSWER THE COMPLAINT OF MOSES DAVIS, ESQ.^R.

WHEREAS it appears by a Petition of Moses Davis Esq, that he procured of M^r Timothy Parsons a quantity of provisions for the use of the Militia upon an alarm, which provisions belonged to this State, and for which the said Parsons accounted with the Board of War, and applied to the said Davis for the payment of Forty pounds for the same; but as the said Davis, acted in this matter for the good of the State at large, he thought himself not called upon to advance his own money, but made application to the General Court by way of Petition, which Petition having miscarried, it put off the time of payment longer than he wished and upon the said Parson's attaching the said Davis's cattle to the amount of £145 on purpose to distress him, he was obliged to pay the said Parsons £66.2^s in order to save his cattle; and whereas the said Parsons in this case acted as Agent or Factor for the Board of War, who are servants to this Government: Therefore

Resolved that the said Parsons be ordered to appear on the second Tuesday of the next sitting of the General Court, and shew cause (if any he has) why he should not pay to the Board of War the surplussage of £26.2^s which he received more than he paid for the supplies aforesaid, or otherwise to pay that sum without appearing. And the Secretary is directed to serve him with a copy of this Resolve at least fourteen days before the said second Tuesday. [*Passed September 18.*]

Mass.
Archives,
ccix., 226, 227.

CHAPTER 141.

RESOLVE FOR RAISING ONE-THIRD OF THE MILITIA.

WHEREAS there is the highest probability that the enemy are preparing to move this way, in order to destroy the French fleet and to possess themselves of the Town and Harbour of Boston, or ravage and plunder the sea coasts; and General Heath has signified to a Committee of this Court the necessity of having the Fortresses in and about the Harbour of Boston garrisoned, in order to compleat and defend the same: Be it therefore

Legislative
Records of the
Council,
xxxviii., 621.
Mass.
Archives,
ccix., 239, 240.
Mass.
Archives,
clxxiv., 419;
ccix., 241, 242.

Resolved that such a part of the whole militia of this State, to be taken from the Alarm List as well as the Train Band, as shall be equal in number to one third part of the Train Band list, including the twelve hundred men to be raised by Order of Council on the 7th instant (saving and excepting the Militia of the Counties of Berkshire, Barnstable, Cumberland and Lincoln, and Brigadier General Godfrey's brigade in the County of Bristol and two regiments of Militia in the County of Plymouth, commanded by Colonels Mitchell and Sprout; which brigade and regiments by an Order of the Hon^{ble} Board of the sixth of September instant, are required to hold themselves in readiness to march to and defend Dartmouth and the shores of Buzzard's Bay, in case the enemy have landed, or those officers apprehend they will land in that quarter) be immediately detached and formed by the Brigadiers of the Counties respectively into battalions, each to consist of eight companies; each company to consist as near as may be of sixty eight men including officers, to be compleatly armed, equipped, officered and marched without delay to the Town of Boston, or such other place or places as the Council shall order and direct, there to serve until the first Day of January next, unless sooner duly discharged; and be employed by and under the command of Major General Hancock or such other General Officer of the Militia as may by the Council be appointed; they to follow such orders as they may from time to time receive from their superior officers in the defence of the said Town and Harbour of Boston, or such other place or places as may by the enemy be invaded or in danger thereof.

Resolved further, that the officers and men so detached as aforesaid, shall be intitled to receive the same pay from the time of their marching untill they are duly discharged, for every month they shall serve as aforesaid, as the officers of like rank and soldiers are intitled to receive in the Continental Army, and such further pay for the aforesaid service as shall be hereafter ordered and directed by this Court; and each man so detached shall take with him as much provisions as will be sufficient until he arrives at camp or the place of destination, for which they shall be allowed nine pence per mile, said mileage to be made up in the Muster-Rolls to which such men respectively belong.

Resolved further, that the several officers of the Militia be ordered forthwith to see that every man in the remaining part of the Militia of this State, be compleatly armed and equipped according to law, and be held in readiness to march upon the shortest notice to such place or places as may hereafter be ordered.
[Passed September 19.¹

¹ This date is September 18 according to Legislative Records of the Council.

CHAPTER 142.

ORDER ANNULING PERMISSION TO MESS^{RS} DOMBLIDER, LAFITTE
AND PERRIEU TO EXPORT FISH.

Legislative
Records of the
Council,
xxxviii., 624.
Mass.
Archives,
ccxix., 228.

WHEREAS this Court did on this day pass an Order giving permission to Stephen Domblider to export a quantity of fish out of this State, and also passed a like Order in favor of Messrs Lafitte and Perrieu, and whereas it now appears by information from the Commissary that a quantity of fish is much wanted for public use: It is therefore hereby

Ordered that the two Orders above referred to be and hereby are reversed, and the Secretary is directed to give immediate notice hereof to the said Domblider and Lafitte & Perrieu and also to the Naval Officers of Boston and Salem. [*Passed September 19.*¹

CHAPTER 143.

RESOLVE ON THE PETITION OF JOSEPH ROLF.

Legislative
Records of the
Council,
xxxviii., 625.
Mass.
Archives,
ccxix., 229.

ON THE PETITION of Joseph Rolf.

Resolved that the prayer of the Petition be granted, and that there be paid out of the Treasury of this State Twenty nine pounds, twelve shillings, in full for his pay as a seaman belonging to the Brig Tyrannicide in the service of this State while in the hands of the enemy and untill his return home. January 10th, 1778. [*Passed September 19.*

Mass.
Archives,
ccxix., 230-232.

CHAPTER 144.

RESOLVE ON THE PETITIONS OF HOPESTILL CAPEN AND JOHN
HODGSON.

Legislative
Records of the
Council,
xxxviii., 625.
Mass.
Archives,
ccxix., 233.

ON THE PETITIONS of Hopestill Capen and John Hodgson, praying they may be liberated from their confinement in the goal of the County of Suffolk

Resolved that the prayer of Hopestill Capen's petition be so far granted, that he be liberated from his confinement upon his giving bond to the Treasurer of this State for the sum of Two thousand pounds, with sufficient sureties, that he will subscribe and closely adhere to the following declaration by him proposed in his petition, viz^t "I, the subscriber, acknowledge myself to be a liege subject of the State of Massachusetts Bay, and hold myself obliged to assist in supporting peace and good order in this State and when called on by lawfull authority I am ready so to do".

It is further

Resolved that John Hodgson be also liberated from his confinement on his taking the oath of allegiance appointed by the law of this State, which oath any Magistrate in and for the County of Suffolk is hereby authorized to administer to him, any law or Resolve of this State to the contrary notwithstanding. [*Passed September 19.*

Mass.
Archives,
ccxix., 234-237.

¹ This date is September 18 according to Legislative Records of the Council.

CHAPTER 145.

RESOLVE TO STAY SALE OF UNIMPROVED LANDS BELONGING TO ABSENTEES.

WHEREAS there are within this State several tracts of unimproved lands belonging to persons who have left the same and gone over to the enemy, which lands have been and may be taxed agreeable to the laws of this State; and no provision has as yet been made by the government of the same for the payment of the taxes otherwise than by the sale of such lands, which may be attended with great loss to the State:

Therefore

Resolved that all Constables and Collectors of taxes be, and they are hereby directed to stay the sale of all such lands untill a further Order of this Court be taken thereon. And the State Treasurer is hereby directed to allow or pay to such Constables or Collectors the amount in their respective lists of the tax on such unimproved lands, on a certificate from the major part of the Assessors who made such tax being produced, setting forth the sum taxed in any list exhibited on said unimproved lands, and to keep an account of all monies by him so allowed or paid. [*Passed September 19.*]

Legislative
Records of the
Council,
xxxviii., 626.
Mass.
Archives,
ccix., 238.

CHAPTER 146.

RESOLVE DIRECTING THE TREASURER TO PAY £246,000 TO THE CONTINENTAL CONGRESS OR THEIR ORDER.

WHEREAS the General Court at their session in March last granted the sum of Two hundred and fifty four thousand seven hundred and eighteen pounds, sixteen shillings and eleven pence, to be assessed upon the several Towns and other places in this State for defraying the public charges; part whereof, viz^t Two hundred and forty six thousand pounds, was meant and intended to be raised and paid to Congress or their order, as this State's proportion of the Continental Tax ordered to be raised by Congress in the year 1777; and no direction therein is given to the Treasurer of this State to pay the sum aforesaid to Congress or their order: For the remedy whereof, it is hereby

Resolved that the Treasurer of this State be and hereby is directed and ordered to pay the said sum of Two hundred and forty six thousand pounds to Congress or their order, and take receipts therefor, which shall discharge him therefrom. [*Passed September 21.*]

Legislative
Records of the
Council,
xxxviii., 627.
Mass.
Archives,
ccix., 243.

CHAPTER 147.

RESOLVE APPROPRIATING AMOUNT OF ORDER DRAWN BY CONTINENTAL CONGRESS IN FAVOR OF THE COUNCIL.

WHEREAS it appears to this House that Congress have drawn an order upon the Treasurer of this State in favour of the Council for the sum of Three hundred thousand dollars, out of the monies he has or shall receive on account of the Continental Tax, which money remains in the Hands of the Treasurer unappropriated: To appropriate which it is

Legislative
Records of the
Council,
xxxviii., 628.
Mass.
Archives,
ccix., 244.

Resolved that the Hon^{ble} Council be desired forthwith to place the said sum in the hands of the Treasurer of this State for the use of said State, to be disposed of by him for the payment of the charges and debts of this State, as from time to time the said Treasurer shall be ordered and directed by warrant from the Council. [*Passed September 21.*]

CHAPTER 148.

RESOLVE ON THE PETITION OF WILLIAM TODD.

Legislative
Records of the
Council,
xxxviii., 628.
Mass.
Archives,
ccxix., 245.
Mass.
Archives,
ccxix., 246-248.

ON A PETITION of William Todd, a Captain in Col^o Crafts' regiment of artillery, setting forth that he was appellant in two actions formerly commenced against him by one Bartholomew Walker, which were to have been tried at the Superiour Court held at Worcester on the second Tuesday of April last. That being in the publick service, he was prevented from attending said Court, whereupon the said Walker recovered judgment against him by default, whereby he became obliged to pay large sums of money which were never due to said Walker. That afterwards he petitioned this Court for liberty to re-enter said actions; and the said Walker was notified to shew cause why his petition should not be granted, but the said Walker has made no answer thereto; therefore praying for liberty to re-enter the said actions at the next Superiour Court for the said County of Worcester that an impartial trial may be had thereon.

Resolved that the prayer of the Petition be granted, and that the said William Todd have liberty accordingly to re-enter the said actions at the next Superiour Court for the said County of Worcester that an impartial Trial may be had thereon; and that the said William Todd notify the said Bartholomew Walker by serving him with an attested copy of said petitions and Resolve, fourteen days before the sitting of said Court and that the execution be staid in the meantime. [*Passed September 21.*]

CHAPTER 149.

RESOLVE ON THE PETITION OF JOSEPH DEXTER.

Legislative
Records of the
Council,
xxxviii., 629.
Mass.
Archives,
ccxix., 249.
Mass.
Archives,
ccxix., 250,
250½.

WHEREAS Mr Joseph Dexter of Liverpool, in Nova Scotia, has represented to this Court the great sufferings and damage he has undergone, in consequence of the supplies and assistance afforded by him to prisoners belonging to this State, who were in said Province of Nova Scotia: Therefore

Resolved that the sum of Sixty pounds lawful money be paid out of the Public Treasury of this State to Joseph Dexter, for the loss of two boats which he lent to the American prisoners to make their escape, as also in full for all other assistance afforded to said prisoners. [*Passed September 21.*]

CHAPTER 150.

RESOLVE AGAINST DELIVERING POWDER OUT OF ANY MAGAZINE WITHOUT FURTHER ORDERS.

Resolved that the Honorable major part of the Council be, and they are hereby desired immediately to issue their orders, directing that no person having the care of any Magazine in this State, in which powder, being private property, is lodged, deliver out any such powder till the further order of the Honorable major part of the Council. [*Passed September 21.*]

Legislative
Records of the
Council,
xxxviii., 629.
Mass.
Archives,
ccix., 251.

CHAPTER 151.

RESOLVE ON THE PETITION OF JOHN LEWIS.

UPON THE PETITION of John Lewis praying for an allowance for wages on board the Brig Rockingham, James Johnston, master.

Resolved that there be allowed & paid out of the Treasury of this State the sum of Twenty four pounds fourteen shillings, lawful money, to John Lewis, in full for his wages on board the Brig Rockingham when in the service of this State. [*Passed September 21.*]

Legislative
Records of the
Council,
xxxviii., 629.
Mass.
Archives,
ccix., 252.

Mass.
Archives,
ccix., 253, 254.

CHAPTER 152.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER FIRE ARMS, ETC., TO COL^O JACOB GERRISH.

Resolved that the Board of War be and they hereby are directed to deliver to Col^O Jacob Gerrish, forty Fire Arms with Bayonets, Straps and Cartridge Boxes, for the use of the Militia now stationed in and about Cambridge, and that Col^O Gerrish give his receipt therefor and deliver the same to the Board of War by the 1st of January next, and make such allowance for the use of them as has been usual. [*Passed September 21.*]

Legislative
Records of the
Council,
xxxviii., 629.
Mass.
Archives,
ccix., 255.

Mass.
Archives,
ccix., 255j.

CHAPTER 153.

RESOLVE RELATIVE TO REMOVING THE TROOPS OF THE CONVENTION, ETC.

WHEREAS it is expedient that the Troops of the Convention should be removed distant from where they now are, and that the Town of Westfield, in the County of Hampshire, is the most suitable place: Therefore

Resolved that General Heath be and hereby is requested to remove them there accordingly when the Hon^{ble} Council shall think necessary, and also to order that the limits of officers and soldiers of all the Troops of the Convention be made public, so that they may be the more easily detected in case of transgression, and to give such further orders as he may think calculated more effectually to restrain them within their limits and preserve good order.

That the Selectmen or Committees of Correspondence, Inspection &c, be, and they are hereby directed from time to time to

Legislative
Records of the
Council,
xxxviii., 630.
Mass.
Archives,
ccix., 256.

Mass.
Archives,
ccix., 257.

examine any such officers or soldiers as may come within their respective Towns or Districts, not being within the limits assigned to such officers or soldiers, to see if they have any passes licensing them to go without their said limits; and in case they should not be furnished with proper passes, the said Committees are further directed to apprehend such officers or soldiers and to convey them to the place assigned for their residence, and there deliver them up to the officer commanding the troops or guards placed over said officers or soldiers and to inform him of the misconduct of such officers or soldiers; and said commanding officer, as well as said Committees are hereby directed to make a return of the names of all officers offending as aforesaid to the Council of this State, who are authorised to order such officers to be properly confined for the breach of their parole; and in case such officers should be furnished with or present any passes, in that case, the said Committees are directed to take copies of such passes and transmit them to the Council, to the end enquiry may be made whether such passes were in fact granted by any officer authorised to grant the same.

And it is also

Resolved that the Hon^{ble} Council be and hereby are requested to cause such other Beacons to be erected besides what they have already ordered, as they may think necessary; and in such Towns where there are no Beacons that a proper watch be appointed, agreeable to the method prescribed in the Militia Act, to give alarm when Beacons are fired by discharging guns and by such other methods as may be effectual; and that expresses by men and horses be kept ready to be dispatched to every part of the State for the more immediate alarm of the Militia in case of emergency. [*Passed September 21.*]

CHAPTER 154.

RESOLVE DESIRING THE COUNCIL TO ORDER AN ARTILLERY COMPANY TO BOSTON.

Legislative
Records of the
Council,
xxxviii., 631.
Mass.
Archives,
ccxix., 260.

THE COMMITTEE of both houses that were appointed to consider the foregoing letter from Col^o Crafts have attended that service and report the following Resolve.

B. WHITE p order.

Mass.
Archives,
ccxix., 258, 259.

Resolved that the Council be and they hereby are desired to order the company of artillery now stationed at Bedford forthwith to return to Boston and join their regiment.

In Council

Read & Accepted

In the House of Representatives

Read & concurred. [*Passed September 21.*]

CHAPTER 155.

RESOLVE IMPOWERING BENJAMIN TUCKER, ADMINISTRATOR, TO DEED A TRACT OF LAND.

Legislative
Records of the
Council,
xxxviii., 631.

WHEREAS it appears to this House that Manasseh Tucker, late of Bridgewater, in the County of Plymouth, yeoman, deceased, in the month of March, A.D. 1777, for the consideration of Sixty six pounds, thirteen shillings and four pence, paid to him in hand

by Elijah Reed, of Middleborough, in said County, yeoman, did bargain with and faithfully promised the said Elijah Reed, that he would sign, seal and deliver to the said Elijah Reed, a good and legal deed to convey to him and his heirs eleven acres and three quarters of woodland lying in said Bridgewater and bounded as follows, viz^t southerly and easterly upon lands of Solomon Alden, northerly upon lands of John Conant, westerly on lands of James Hooper; and that the said Elijah by force of said agreement and by the consent of the said Manasseh (when alive) entered into said lands and cut wood and underwood thereof, and the said Manasseh soon afterwards fell into a languishing illness whereof he died, without ever fulfilling his said promise and agreement; and Benjamin Tucker, brother of said deceased and Administrator of all and singular the goods, chattels, rights and credits which were of the said Manasseh, to prevent law suits and difficulties which may arise on account thereof hath supplicated us to impower and enable him in his said capacity to sign, seal and deliver to the said Elijah Reed and his heirs, a good and sufficient deed in law of the aforesaid eleven acres and three quarters of an acre of land for the said sum so received by the said Manasseh: Be it therefore

Resolved that the said Benjamin Tucker in his said capacity be, and hereby is impowered and enabled to sign, seal and deliver to the said Elijah Reed and his heirs, a good and sufficient deed in law of the said eleven acres and three quarters of an acre of land so described and bounded as aforesaid, for and in consideration of the said promise and agreement made by the said Manasseh with the said Elijah. [*Passed September 21.*]

Mass.
Archives,
ccxix., 261, 262.

Mass.
Archives,
ccxix., 263,
263½.

CHAPTER 156.

RESOLVE APPOINTING WM BANT ONE OF THE MANAGERS OF THE LOTTERY.

Resolved that M^r William Bant be and he hereby is appointed one of the Managers of the Lottery ordered by the late General Court for the benefit of the Army, in the room of M^r Ezekiel Lewis, deceased; and the said William Bant is hereby authorized to receive from the Administrator or Executor of said Lewis' estate all the Tickets remaining unsold and the monies which he received for those Tickets disposed of; also any receipts which the said Lewis took for Tickets delivered for sale, the said William Bant to take the oath and give bond as directed by the Resolve establishing said Lottery. [*Passed September 22.*]

Legislative
Records of the
Council,
xxxviii., 633.
Mass.
Archives,
ccxix., 265.

Mass.
Archives,
ccxix., 266.

CHAPTER 157.

RESOLVE ACCEPTING RESIGNATION OF COL^o JAMES CONVERSE.

ON THE LETTER of resignation of Col^o Converse.

In the House of Representatives.

Read and thereupon

Resolved that Col^o Converse have leave to resign accordingly.

In Council

Read and concurred. [*Passed September 22.*]

Mass.
Archives,
ccxix., 264a.

Mass.
Archives,
ccxix., 264.

CHAPTER 158.

RESOLVE DIRECTING THAT A DINNER BE GIVEN TO COUNT D'ESTAING AND THE OFFICERS UNDER HIS COMMAND.

Legislative
Records of the
Council,
xxxviii., 633.
Mass.
Archives,
ccix., 270.

Mass.
Archives,
ccix., 269.

THE COMMITTEE of both Houses appointed to consider what respect is proper to be shown by this Court to his Excellency Count d'Estaing and his officers, beg leave to report that a Committee of both Houses be appointed to cause a suitable dinner to be prepared on this occasion on Friday next, and that Count d'Estaing, the two Admirals, the captains and lieutenants of the fleet, together with the General Officers and Secretary, as also the General and Field officers of the land forces under the Count's command, be invited to dine on that day.

In Council

Read and sent down.

In the House of Representatives

Read and accepted and

Ordered that Gen^l Hancock, Mr Phillips, of Boston, and Mr Gorham, with such as the Hon^{ble} Board shall join, be a Committee for the above purpose.

In Council

Read and concurred and Benj^a Austin and Oliver Wendell Esq^{rs}, are joined on the part of the Board. [*Passed September 22.*]

CHAPTER 159.

RESOLVE ON THE PETITION OF THE SELECTMEN OF STOW, LITTLETON AND HARVARD.

Mass.
Archives,
ccix., 267.

Mass.
Archives,
ccix., 268.

In the House of Representatives.

On the Petition of sundry inhabitants of the Towns of Stow, Littleton and Harvard.

Resolved that Amos Singletary Esq^r, and Mr William Page be a Committee, with such as the Honorable Board shall join, to repair to the abovesaid Towns at the cost of the petitioners, and view the premises and hear the [par]ties and report to this Court what may be proper to be done thereon; and that the Committee hereby appointed cause the Selectmen of those several Towns to be timely notified of the time they shall attend on the business assigned them by this Resolve.

In Council

Read and concurred and Elcazer Brooks Esq^r, is joined. [*Passed September 22.*]

CHAPTER 160.

RESOLVE ON THE PETITION OF STEPHEN PARKER.

Legislative
Records of the
Council,
xxxviii., 634.
Mass.
Archives,
ccix., 271.

Mass.
Archives,
ccix., 272.

ON THE PETITION of Stephen Parker, praying for liberty and protection for carrying on the fishing business at Passamaquoddy in this State.

Resolved that the prayer of said Petition be granted, and that the said Stephen Parker be permitted to carry on the fishery at said place until the further order of the General Court, he giving bond

to the Treasurer of this State, with two sufficient sureties in the sum of Five hundred pounds, conditioned that he will bring into some port in this State and sell all the fish he shall take. And all armed vessels belonging to this State are hereby ordered and directed not to intercept or molest the said Parker while prosecuting the business aforesaid. [*Passed September 23.*]

CHAPTER 161.

RESOLVE ALLOWING HALF PAY TO JOHN PAUL.

ON THE REPRESENTATION of John Lucas, Commissary of Pensioners, in behalf of John Paul, late a sergeant in Cap^t Daniel Wheelwright's company and Col^o Francis' regiment, who was rendered incapable of service by reason of a fall which he received when in the Continental Army.

Resolved that the said John Paul is intitled to half pay as a sergeant to commence on the 31st day of August, 1777. [*Passed September 23.*]

Legislative
Records of the
Council,
xxxviii., 635.
Mass.
Archives,
ccix., 273.

Mass.
Archives,
ccix., 274, 275.

CHAPTER 162.

RESOLVE RESPECTING CHARGES AGAINST CERTAIN MILITIA OFFICERS.

THE COMMITTEE of both Houses to whom was committed the letters signed George Godfrey and John Hathaway have considered the same and report the following Resolve.

TIM^o DANIELSON & Order.

Resolved that the letters signed George Godfrey and John Hathaway, containing matters of charge against sundry persons therein mentioned, Militia officers of this State, be laid before the Hon^{ble} John Hancock, Esq^r, Major General of all the Militia of this State, and he is hereby directed to take such order thereon as to him may appear necessary for the common good, according to the Militia Law of said State.

In Council

Read & Accepted

In the House of Representatives

Read & Concurred. [*Passed September 23.*]

Legislative
Records of the
Council,
xxxviii., 635.
Mass.
Archives,
ccix., 276.

CHAPTER 163.

RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS FOR ESSEX COUNTY.

WHEREAS attendance of all the members of the General Court is required in the present situation of publick affairs, and many of them have business that requires their attendance at the Court of General Sessions of the Peace and Inferior Court of Common Pleas to be holden at Newbury Port, within and for the County of Essex on the last Tuesday of September instant: Therefore

Resolved that the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, by law to be held at Newbury Port, within and for the County of Essex, on the last Tuesday of

Legislative
Records of the
Council,
xxxviii., 636.
Mass.
Archives,
ccix., 277.

September instant, be adjourned to the last Tuesday of October next to the said Town of Newbury Port, within said County; and that all writs, processes and recognizances returnable to, and all appeals made to the said Court of General Sessions of the Peace and Inferior Court of Common Pleas appointed by law be holden at Newbury Port, and all matters, causes and things that have day, or that might have been had, moved or done at, in or by the said Court at the time so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done at, in and by said Court, at the time hereby appointed for holding the same; and the Secretary is hereby directed to publish this Resolve in the next Thursday's Boston News Papers. [*Passed September 23.*]

CHAPTER 164.

RESOLVE COUNTERMANDING ORDERS TO RAISE ONE-THIRD OF THE MILITIA.

Legislative
Records of the
Council,
xxxviii., 637.
Mass.
Archives,
ccix., 284, 285.

WHEREAS the intelligence received from General Sullivan and others respecting the movements of the enemy were such as to induce the General Court, on the 19th of this instant September, to order a part of the Militia from certain parts of this State, equal in number to one third part of the Train band list, to march to Boston and any other place or places that might be in danger. And whereas it may be less burthensome to the people and tend as much to our defence and safety to countermand the orders for raising said part of the Militia, and to order the whole Militia of the State to be in readiness to march at the shortest notice:

Therefore

Resolved that orders be immediately issued to the several Brigadiers in those parts of the State from whence the said third part of the militia were to be raised, to take effectual measures that the said drafts be staid, and where they have taken place that they be countermanded and the men dismissed, excepting the twelve hundred men some time before ordered by the Council, and by said Resolve ordered to Boston, which twelve hundred men are to repair to Boston forthwith, there to do duty agreeable to the Resolve aforementioned; and the Brigadiers of the several Counties in the State are hereby directed to issue orders to the Colonels in their several Brigades to have their regiments equipt according to law and ready to march upon the shortest notice. [*Passed September 24.*]

CHAPTER 165.

RESOLVE APPOINTING CAPT. GEORGE WILLIAMS ONE OF THE MANAGERS OF THE STATE LOTTERY.

Legislative
Records of the
Council,
xxxviii., 637.
Mass.
Archives,
ccix., 286.

Resolved that Cap^t George Williams be, and he hereby is appointed one of the Managers of the Lottery ordered by the late General Court, for the benefit of that part of the Continental Army raised in this State, in the room of Ezekiel Lewis, Esq^r, deceased; and the said George Williams is hereby authorised and impowered to receive from the executor or administrator on the estate of the said Lewis all the Tickets remaining on hand, also all monies or receipts which said Lewis received for Tickets sold or delivered and give his receipts accordingly. [*Passed September 24.*]

CHAPTER 166.

RESOLVE ON THE MEMORIAL OF COL^O JAMES BARRETT.

ON THE MEMORIAL of Col^O James Barrett, Agent for providing Cloathing for the army in the Southern Department, for the County of Middlesex, shewing that he hired three teams to transport Cloathing to head quarters; who when they arrived at head quarters aforesaid, were ordered by the Commissary to drive said Cloathing back about eighty miles before they delivered the same and now demand pay for driving said Cloathing both ways; and prays the direction of this Court in the affair: Therefore

Resolved that the said James Barrett be, and he hereby is directed to pay each of the drivers of said teams, viz. John Brooks, Jacob Foster and John Flagg, Six shillings per mile each, for eighty miles which they drove said Cloathing back, being in the whole the sum of Seventy two pounds, and take their receipts for the same. [*Passed September 25.*]

Legislative
Records of the
Council,
xxxviii., 639.
Mass.
Archives,
ccix., 288.
Mass.
Archives,
ccix., 290.

CHAPTER 167.

RESOLVE GRANTING £500 TO JOHN LUCAS, COMMISSARY OF PENSIONERS.

Resolved that there be paid out of the Treasury of this State to John Lucas, Commissary of Pensioners, the sum of Five hundred pounds to enable him to pay the respective pensions as they become due, he to be accountable to the General Court for the expenditure of the same. [*Passed September 25.*]

Legislative
Records of the
Council,
xxxviii., 639.
Mass.
Archives,
ccix., 290.

CHAPTER 168.

RESOLVE ON THE PETITION OF JOSEPH HENDERSON, ESQ^R.

Resolved that the Commissary General be, and he is hereby directed to allow Joseph Henderson, Esq^r, Commissary of Prisoners, three rations per day from the time he engaged in said service until the further order of this Court. [*Passed September 25.*]

Legislative
Records of the
Council,
xxxviii., 639.
Mass.
Archives,
ccix., 291.
Mass.
Archives,
ccix., 292.

CHAPTER 169.

RESOLVE RESPECTING REMOVAL OF TROOPS OF THE CONVENTION.

Resolved that it was the intention of the General Court by their Resolve of the 21st instant, that General Heath should remove to Westfield only the Foreign Troops of the Convention now stationed at Cambridge or Charlestown, and not the whole of the Troops of the Convention; and whereas by said Resolve the officers commanding the troops or guards placed over the Officers and Troops of the Convention are directed to make a return of the names of all officers and soldiers of the Convention who may break their parole to the Council of this State, which may be attended with many inconveniences and will create great expence: Therefore

Legislative
Records of the
Council,
xxxviii., 639.
Mass.
Archives,
ccix., 294.
Mass.
Archives,
ccix., 293.

Ordered that said commanding officers of the guards make return of the names of all officers so offending to General Heath, who is desired to order such officers to be confined for the breach of their paroles. [*Passed September 25.*]

CHAPTER 170.

RESOLVE IMPOWERING THE TOWN OF GREENWICH TO SELL MINISTERIAL LANDS.

Legislative
Records of the
Council,
xxxviii., 640.
Mass.
Archives,
cxix., 295.

Mass.
Archives,
cxix., 296, 297.

ON THE PETITION of Jeremiah Powers and others, in behalf of the Town of Greenwich, praying that the said Town may be impowered to sell the ministerial lands lying in and belonging to said Town, and the money arising from such sale to remain forever as a fund and the interest arising therefrom to be annually appropriated for the support of a Gospel ministry in said Town.

Resolved that the prayer of the petitioners be granted, and that the said Town of Greenwich be, and they are hereby impowered by such Committee as they shall appoint therefor, to sell the whole or any part of said lands and to make a good and lawful deed or deeds of the same; provided the money which may arise from the sale of said lands shall remain forever as a fund, and the interest arising therefrom shall be annually appropriated to the purposes for which said lands were originally granted to said Town. [*Passed September 25.*]

CHAPTER 171.

ORDER APPOINTING A COMMITTEE TO EXAMINE ACCOUNTS.

Mass.
Archives,
cxix., 287.

In Council

Ordered That Benjamin Austin, Esq^r, with such as the Honourable House shall appoint, be a Committee to examine the accounts of the Committee chosen by the Board the last year to examine, concur and pay accounts as directed by a Resolve of the General Court passed 5th June, 1777, and also the accounts of the Committee chosen by the Board the present year to pay off accounts, agreeable to a Resolve of Court passed May 30th, 1778, and make report.

In the House of Representatives

Read and concurred and Capt Brooks and M^r Gorham are joined. [*Passed September 25.*]

CHAPTER 172.

RESOLVE APPOINTING A COMMITTEE TO INQUIRE INTO THE DISMISSAL OF OFFICERS FROM COL^o WADE'S AND COL^o JACOBS' REGIMENTS.

Legislative
Records of the
Council,
xxxviii., 641.
Mass.
Archives,
cxix., 298-300.

Mass.
Archives,
cxix., 301-305.

WHEREAS representation has been made to this Court, that a large number of the officers of the Militia of this State detached to command the several companies of said Militia ordered to Rhode Island, to do duty there in Wade's and Jacobs' regiments till the first day of January next, by a Resolve of this Court June 12th last, have been in a singular manner sent home, after their men in like manner were put under other officers by the order of

the said Colonels Wade and Jacobs, to the injury of the Common Cause in the great discouragement of the Militia of this State (who have had no small share in the defence of the United States) when again their aid may be requested; and in consequence of such conduct many of the privates detached as aforesaid have also returned home: Therefore

Resolved that the officers of the Militia who have been sent home, dismissed or separated from their companies and respective commands therein as aforesaid, in violation of the said Resolve, be ordered by the Council of this State to return immediately to their respective companies and commands in their respective companies; and that the privates who have since returned home in consequence of the dismissal of their officers, be in like manner commanded forthwith to return to their duty in their several companies in the State of Rhode Island or elsewhere; and that Timothy Danielson Esq, Solomon Lovell Esq, and Mr Lemuel Kollock, be a Committee of this Court to repair to the State of Rhode Island and represent to General Sullivan the high insult offered to this State in the dismissing a number of officers sent there to command the Militia thereof, by the express order of the General Court, and the placing said Militia under officers not commissioned to command them and not so much as named in the Resolve aforesaid. And that said Committee be directed to make strict enquiry into the conduct of the said Colonels Wade and Jacobs and field officers who act under the commission of this State, in regard to the premises; and if it appears that the said Colonels or field officers have conducted in violation of the Resolve of this Court and their known design therein, to make report thereon that proper proceeding be had thereon. And the said Committee are hereby fully impowered to settle and arrange the detached militia companies into the said regiments called Wade's and Jacobs', in such manner as they may think proper by consulting General Sullivan; and if a greater number of militia officers have been detached than may appear necessary to command the detachment of Militia aforesaid, according to a Resolve of Congress, regularly to dismiss the same. And to arrange the soldiers inlisted by order of the General Assembly, under officers commissioned by this State for the purpose of compleating the said regiments of Wade and Jacobs, and when they have formed said inlisted men into companies according to the Resolve of this State for establishing said regiments, and there shall remain supernumerary officers who shall have no companies, regularly to dismiss the same, their being commissioned by this State notwithstanding, and direct them to apply to this Court for an allowance for their services to the time of their discharge as aforesaid. [*Passed September 26.*]

CHAPTER 173.

RESOLVE ON THE PETITION OF SILAS BOWKER.

UPON the PETITION of Silas Bowker of Petersham, shewing that he with W^m Barron Esq^r, and Thomas Beman, as sureties, gave bond to the Treasurer of Harvard College in the sum of Eighty pounds for value received by the said Bowker, and that in order to indemnify the said sureties, he executed to them an absolute deed of forty acres of land in the said Town of Petersham, taking no other security from the said Barron and Beman than their word of honor to return a title of said land to your Petitioner

Legislative
Records of the
Council,
xxxviii., 642.
Mass.
Archives,
ccxix., 306.
Mass.
Archives,
ccxix., 307-311.

whenever he should pay the money due on said bond. That said money is paid and the said W^m Barron agreeable to his promise hath executed a sufficient deed on his part; but the said Thomas Beman having absented himself from this State & gone over to the enemy, the Petitioner hath applied to Jonathan Grout Esq^r, Agent on Beman's estate, to release the said land, which he doth not think himself impowered to do without special leave from this Court.

Resolved that Jon^a Grout Esq^r, be, and he hereby is impowered to release the said forty acres of land to the said Silas Bowker, agreeable to the prayer of this Petition. [*Passed September 26.*]

CHAPTER 174.

APPOINTMENT OF PAUL DUDLEY SARGENT AS COLONEL AND JOSEPH HILLER AS 1ST MAJOR OF THE 1ST ESSEX COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 643.
Mass.
Archives,
ccxix., 312.

In the House of Representatives

The House made choice by ballot of Paul Dudley Sargent as Colonel and Joseph Hiller as first Major of the first regiment of Militia in the County of Essex.

In Council

Read and concurred. [*Passed September 26.*]

CHAPTER 175.

RESOLVE PERMITTING M^r PETER BOYER TO OCCUPY THE PROVINCE HOUSE.

Legislative
Records of the
Council,
xxxviii., 643.
Mass.
Archives,
ccxix., 313.

Resolved that the Board of War be, and they hereby are impowered and directed to permit M^r Peter Boyer to remove with his family into the House belonging to this State, late called the Province House, and to occupy such part of said House as is not wanted for the publick use, he paying such rent as the said Board of War shall think just and reasonable. [*Passed September 26.*]

CHAPTER 176.

RESOLVE ON THE PETITION OF BERIAH NORTON AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 643.
Mass.
Archives,
clxxxiv., 243-
250.

Mass.
Archives,
clxxxiv., 254,
255.

Resolved that the President of the Council be and hereby is desired to write a letter to General Washington, in the name of the General Court, upon the subject matter of the Petition of James Athearn, Beriah Norton and Thomas Cook, and desire him to grant a Flag permitting James Athearn Esq^r, to go to New York for the purposes mentioned in said Petition, provided he thinks he can do it consistent with the rules and orders of the Congress. [*Passed September 26.*]

CHAPTER 177.

RESOLVE DIRECTING THE MANAGERS OF THE STATE LOTTERY TO DISPOSE OF TICKETS UNTIL 1ST OF DECEMBER NEXT.

WHEREAS the late General Court did on the first day of May last resolve to pay to the officers and soldiers in the Continental Army belonging to this State, a sum of money as a Gratuity for their past sufferings and services, and did order a Lottery or Lotteries for raising said money, which money was to be paid by the first day of December next; and it being of great importance that government should fulfill their promises: Therefore

Resolved that the Managers of said Lottery be, and they hereby are ordered and directed to take the most effectual methods for disposing of the Tickets in the first Class until the first day of December next; at which time should any Tickets remain unsold, the said Managers are ordered to take the numbers of such Tickets, seal them up and deliver them to the Treasurer of this State, and then proceed to drawing said Lottery without delay. [*Passed September 26.*]

Legislative
Records of the
Council,
xxxviii., 644.
Mass.
Archives,
ccxix., 314.

CHAPTER 178.

RESOLVE ON THE PETITION OF THE SELECTMEN OF MARBLEHEAD.

Resolved that the Board of War be, and they are hereby directed to supply the Selectmen of the Town of Marblehead with one ream of Cartridge paper and fifteen hundred pounds weight of Gun Powder for the defence of the Town and Harbour of Marblehead; said Selectmen being accountable to this State for the return of the same, in case it shall not be wanted for the purpose above mentioned. [*Passed September 26.*]

Legislative
Records of the
Council,
xxxviii., 644.
Mass.
Archives,
ccxix., 315.
Mass.
Archives,
ccxix., 316.

CHAPTER 179.

RESOLVE ON THE PETITION OF JOHN MASCARENE.

Resolved that the prayer of the Petition be granted, and that Paul Mascarene be, and he hereby is permitted to take passage for Jamaica and to return to this State again whenever he shall think necessary. [*Passed September 28.*¹]

Legislative
Records of the
Council,
xxxviii., 643.
Mass.
Archives,
clxxxiv., 247.
Mass.
Archives,
clxxxiv., 244-
246.

CHAPTER 180.

RESOLVE ON THE PETITION OF THE SELECTMEN OF HARVARD.

Resolved that there be allowed and paid out of the Treasury of this State to the Selectmen of the Town of Harvard, the sum of Nine pounds, eighteen shillings and ten pence, in full for their account for mileage, canteens and potts, for Thirty five men, who were drafted agreeable to a Resolve of this Court of November twenty ninth, Seventeen hundred and seventy six, and for carting their baggage from Harvard to Bolton. [*Passed September 28.*]

Legislative
Records of the
Council,
xxxviii., 645.

¹ This date is September 26 according to Legislative Records of the Council.

CHAPTER 181.

RESOLVE ON THE PETITION OF RICHARD DERBY AND BENJAMIN AUSTIN, ESQ^{rs}, AGENTS FOR THE MIDDLE DISTRICT.

Legislative
Records of the
Council,
xxxviii., 645.

UPON THE PETITION of Richard Derby and Benjamin Austin Esq^{rs}, praying that their accounts as Agents for Prizes in the Middle District, since the twenty sixth of February last, may be examined, adjusted, the balance of Nine hundred eighty six pounds, five shillings due thereon appropriated, and they discharged.

Resolved that Richard Derby and Benjamin Austin Esq^{rs}, late Agents for the Middle District, be, and they hereby are directed to pay into the hands of Henry Gardner Esq^r, Treasurer of this State, the aforesaid sum of Nine hundred eighty six pounds, five shillings, taking duplicate receipts, one to be lodged in the Secretary's Office, and said receipts shall be to them a full discharge for all monies they may have received by virtue of their appointment as Agents aforesaid. [*Passed September 28.*]

CHAPTER 182.

RESOLVE FOR SUPPLYING OFFICERS OF CERTAIN REGIMENTS WITH CLOTHING.

Legislative
Records of the
Council,
xxxviii., 646.
Mass.
Archives,
ccxix., 317.

Resolved that the Resolve of this Court of June 17th last, whereby "the Board of War are directed to furnish such commissioned officers as belong to the 15 Battalions raised in this State and are in the Continental Service, with two Shirts and a Suit of Cloaths each, proper for their respective ranks, they paying for the same agreeable to the prices set in the late Act for regulating Prices in this State," be and hereby is extended to the officers of Colonels Crane, Henry Jackson, Henley and Lee's regiments, raised by this State for the Continental service, and the Board of War are hereby directed and impowered to furnish them accordingly. [*Passed September 28.*]

Mass.
Archives,
ccxix., 318.

CHAPTER 183.

ORDER APPOINTING A COMMITTEE TO REPORT RESPECTING INIMICAL PERSONS.

Mass.
Archives,
ccxix., 319.

In the House of Representatives.

Ordered that Mr Freeman, Maj^r Ely, Col^o Hutchinson and Capt Wright, with such as the Hon^{ble} Board shall join, be a Committee to consider what measures are proper to be taken with respect to persons in the different Towns within this State, who are inimical to the same or to the United States and report.

In Council Read and concurred and Artemas Ward, Thomas Cushing and Moses Gill, Esq^{rs}, are joined. [*Passed September 28.*]

CHAPTER 184.

RESOLVE RESPECTING MILITIA IN BARNSTABLE COUNTY.

ON THE LETTER from Brigadier Otis of the 20th of September, 1778.

Resolved that the Hon^{ble} the Major part of the Council be, and hereby are desired to order the company of militia under the command of Cap^t Job Crocker, raised in consequence of a Resolve of this Court of the 12th of June last, and now doing duty in the County of Barnstable, immediately to march to Boston, there to do duty under General Heath untill the term of their inlistment shall be expired, and that they be allowed Six pence per mile mileage in lieu of rations and baggage waggons.

And whereas the Militia of the County of Barnstable has been and now is greatly harrassed by the appearance of the enemy's ships and landing troops in their vicinity: Therefore

Resolved that the County of Barnstable be excused for the present from raising the fifty men agreeable to an Order of Council of the seventh instant. [*Passed September 29.*¹

Legislative
Records of the
Council,
xxxviii., 646.
Mass.
Archives,
ccxix., 320.
Mass.
Archives,
clxxiv., 421;
cc., 106.

CHAPTER 185.

RESOLVE ALLOWING £85 EACH TO JOSEPH BOOKER AND RICHARD HARNDEN, POST RIDERS.

Resolved that there be paid out of the public Treasury to Mr Joseph Booker and Mr Richard Harnden, who were employed to ride Post from Falmouth to Thomaston, agreeable to a Resolve passed October seventh, Seventeen hundred and seventy seven, the sum of Eighty five pounds each for their service, the said Booker having rode from Falmouth to Georgetown, and the said Harnden from Georgetown to Thomaston, for the term of one year each. [*Passed September 29.*

Legislative
Records of the
Council,
xxxviii., 648.

CHAPTER 186.

RESOLVE ON THE PETITION OF INHABITANTS OF THE FIRST PARISH IN CAMBRIDGE.

ON THE PETITION of a number of the inhabitants of the First Parish in the Town of Cambridge, on the south side of the river, praying that they may be authorized to settle a Gospel Minister, or that they may be set off into a separate Parish, &c.

Resolved that the prayer of the petitioners be so far granted, that they serve the said Parish Committee with a copy of their Petition and the Order thereon, that cause may be shewn (if any there be) on the second Tuesday of the next sitting of the General Court, why the prayer of said Petition should not be granted; and notice to be given to said Parish Committee fourteen days at least before the second Tuesday aforesaid. [*Passed September 29.*

Mass.
Resolves,
Sept. sess.,
chap. 45.

¹ This date is September 28 according to Legislative Records of the Council.

CHAPTER 187.

Legislative
Records of the
Council,
xxxviii., 648.
Mass.
Archives,
ccxix., 320a,
322.

Mass.
Archives,
ccxix., 321,
322a.

RESOLVE ON THE PETITION OF ISAAC SMITH.

ON A PETITION of Isaac Smith, praying for liberty to send a quantity of fish to the West Indies.

Resolved that the prayer of the petition be granted, and that the petitioner, Isaac Smith, Esq., be and he hereby has liberty to send One hundred quintals of fish mentioned in said Petition, to the West Indies, the embargo upon provisions notwithstanding. [*Passed September 30.*¹

CHAPTER 188.

RESOLVE ON THE PETITIONS OF ISAAC KNOWLES AND ABIEL ELLIS.

Legislative
Records of the
Council,
xxxviii., 649.
Mass.
Archives,
ccxix., 326, 327.

Mass.
Archives,
ccxix., 328-331.

WHEREAS Isaac Knowles and Abiel Ellis, inhabitants of the Town of Sandwich in the County of Barnstable, who were committed to the goal in said County for refusing to take the Oath of Fidelity and Allegiance to this State, have made application to this Court confessing their error in that refusal, acknowledging their obligation to take said Oath and praying liberty therefor: Therefore

Resolved that any Justice of the Peace for the County of Barnstable be, and he is hereby empowered to administer the Oath of Fidelity and Allegiance to this State to the said Isaac Knowles and Abiel Ellis, provided they shall each of them produce a certificate from the Committee of Correspondence, Inspection and Safety for the Town of Sandwich, certifying that they have sufficient reason to believe that the said Isaac Knowles and Abiel Ellis will approve themselves faithful subjects of this State, by truly and honestly conducting agreeable to the plain intent and meaning of said Oath; and shall give bond in the sum of One thousand pounds each, with sufficient sureties, to the Treasurer of this State for their demeaning themselves accordingly. And thereupon the keeper of said goal is hereby directed to discharge the said Knowles and Ellis from their confinement, they first paying the legal charges that have arisen on their committment, any law to the contrary notwithstanding. [*Passed September 30.*

CHAPTER 189.

RESOLVE FOR PAYMENT OF MILITIA DETACHED DURING RECESS OF THE GENERAL COURT.

Legislative
Records of the
Council,
xxxviii., 649.
Mass.
Archives,
ccxix., 325.

Mass.
Archives,
clxxiv., 420.

WHEREAS the Hon^{ble} Council were under the necessity of making several detachments from the Militia of this State during the recess of the Court, and did engage to the Militia so detached, such addition to the Continental pay as the General Court should order: Therefore

Resolved that there be allowed to each Non Commissioned Officer and Soldier so detached by the order of Council, Five pounds per month, in addition to the Continental pay, and six pence per mile for travel and carrying baggage. [*Passed September 30.*

¹ This date is September 29 according to Legislative Records of the Council.

CHAPTER 190.

RESOLVE DESIRING GEN^L HEATH TO FURNISH A GUARD FOR ESCORTING BRITISH PRISONERS TO NEW LONDON.

THE COMMITTEE of both Houses appointed to take into consideration the Letter from Gen^L Heath respecting a Guard for the British prisoners taken by the French Squadron, &c. have attended that service and report the following Resolve.

OLIVER PRESCOTT *pro* order

Resolved that Major Gen^L Heath be, and he hereby is desired to furnish such a guard for the purpose of escorting a number of British prisoners taken by the French Squadron to New London for exchange, from the Militia lately ordered to do duty in and about Boston, or any others under his command, as he may think proper.

In Council

Read & Accepted

In the House of Representatives

Read & concurred. [*Passed September 30.*]

Legislative
Records of the
Council,
xxxviii., 650.
Mass.
Archives,
ccix., 323.

Mass.
Archives,
ccix., 322b,
324.

CHAPTER 191.

RESOLVE ON THE LETTER OF CHEVALIER DE BORDA.

THE COMMITTEE on the Letter from the Chev^r de Borda have inquired into the affrays mentioned in said Letter and ask leave to report the following Resolution, viz.

Resolved That the marine soldier belonging to the squadron under the command of his Excellency Count d'Estaing, now confined in the goal in the Town of Boston for abusing a Constable of said Town, be delivered up to the Chev^r de Borda, or his order, who is also desired to cause the sailor belonging to an American Privateer, who is confined on board a French Frigate for abusing a Frenchman and taking from him his hat, to be delivered up to the civil authority of this State; and the Secretary is hereby directed to deliver a copy of this Resolve to the Chev^r de Borda and to the keeper of the goal aforementioned.

In Council

Read & Accepted

In the House of Representatives

Read & concurr'd. [*Passed October 1.*]¹

Legislative
Records of the
Council,
xxxviii., 650.
Mass.
Archives,
ccix., 398.

CHAPTER 192.

APPOINTMENT OF HON^{BLE} MICHAEL FARLEY, ESQ^R, AS 2ND MAJOR GENERAL OF THE MILITIA.

In the House of Representatives

The House made choice by ballot of the Honorable Michael Farley, Esq., as second Major General of the Militia of this State, in the room of Gen^L Warren, who has resigned.

In Council

Read and concurred. [*Passed October 1.*]

Legislative
Records of the
Council,
xxxviii., 651.
Mass.
Archives,
ccix., 332.

¹ This date is September 30 according to Legislative Records of the Council.

CHAPTER 193.

RESOLVE ON THE PETITION OF THE SELECTMEN OF SANFORD AND OTHERS.

Mass.
Archives,
cexxii., 484.

Mass.
Archives,
ccxxii., 482.

THE COM^{TEE} of both Houses appointed to take into consideration the Petition of the Selectmen of Sanford, together with a Petition from a number of the inhabitants of Sanford aforesaid annexed to the Petition of the s^d Selectmen, having considered the same, ask leave to report the following Resolution, Viz.

Resolved that the act for incorporating the Plantation called Cox Hall, in the County of York, into a Town by the name of Cox Hall, passed by the late General Assembly of this State, be suspended till the further order of the s^d General Assembly, and the Assessors of the Town of Sanford and other Town officers of Sanford afores^d are hereby fully impowered to do and transact all matters and things as fully as if the law afores^d had never passed. And it is further

Resolved that the Petitioners seasonably notify the inhabitants of Cox Hall afores^d by serving them with attested copies of said Petitions and of this Order, that they shew cause, if any they have, on the second Thursday of the next session of the General Court why the prayer of the afores^d Petitions should not be granted; the s^d Town of Cox Hall to be served with copies as afores^d at least thirty days before the time of hearing.

In Council

Read & Accepted.

In the House of Representatives

Read and concurred. [*Passed October 1.*]

CHAPTER 194.

RESOLVE ON THE PETITION OF THE SELECTMEN OF GORHAM.

Legislative
Records of the
Council,
xxxviii., 653.

ON THE PETITION of the Selectmen of the Town of Gorham, praying for allowance for monies they paid for transporting baggage for the Militia.

Resolved that there be paid to the said Selectmen, or their order, out of the public Treasury of this State, the sum of Twenty four pounds, nineteen shillings, in full discharge for transporting said baggage, per their account exhibited. [*Passed October 2.*]

CHAPTER 195.

RESOLVE ON THE PETITION OF WILLIAM WESTCOTT AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 653.

ON THE PETITION of William Westcott and others, Committee of Safety for Major Bagwaduce, praying that their account of sundries supplied to Captain Andrew Grant and a party of the Militia, who marched to the assistance of Machias when attacked by the enemy, may be allowed and paid.

Resolved that there be allowed and paid out of the public Treasury of this State to the said William Westcott, the sum of Forty nine pounds, eight shillings, in full of their accounts. [*Passed October 2.*]

CHAPTER 196.

RESOLVE APPOINTING A COMMISSARY TO SUPPLY THE TROOPS
STATIONED AT DARTMOUTH.

WHEREAS the magazine and other warlike stores in the Town of Dartmouth, which were appropriated to the use of the Fort in that place, were lately destroyed by the enemy, and the company raised in pursuance of a Resolve passed the 12th of March last and stationed at s^d Fort for want of supplies are dispersed: Therefore

Legislative
Records of the
Council,
xxxviii., 653.
Mass.
Archives,
ccix., 377.

Resolved that said company be still continued to do duty there agreeable to said Resolve, and that Lemuel Williams of said Dartmouth, be, and hereby is appointed Commissary for supplying the troops stationed there in the room of Leonard Jarvis, resigned; and the said Commissary is hereby directed immediately to apply to the Board of War for four hundred w^t of Powder and a quantity of Cartridge Paper in proportion, for the use of s^d Fort, and the Board of War are hereby directed to deliver said Powder and Cartridge Paper upon application as above said, and also a sufficient number of Worms, Ladles, Sponges and Rammers for the use of s^d Fort. [*Passed October 2.*]

CHAPTER 197.

RESOLVE FOR LIBERATING JOHN WIGHTMAN AND OTHERS.

Resolved that either of the Justices of the Peace in the County of Berkshire be, and hereby is impowered to administer the affirmation of Fidelity and Allegiance, prescribed by the law of this State for the people called Quakers, to John Wightman, Ebenezer Franklin, Reynolds Cahoon and Eleazer Carr, now confined in the goal at Great Barrington in said County; and in case they shall make the affirmation aforesaid, the keeper of the aforesaid goal is hereby directed to discharge the said John Wightman, Ebenezer Franklin, Reynolds Cahoon and Eleazer Carr from the goal aforesaid and permit them to return to their respective homes. [*Passed October 2.*]

Legislative
Records of the
Council,
xxxviii., 654.
Mass.
Archives,
ccix., 375, 376.

CHAPTER 198.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF PLYM-
OUTH COUNTY.

WHEREAS it appears upon examination of the County Treasurer's account of the County of Plymouth that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the years 1776, 1777 and 1778, were for such purposes and appropriations as the law impowers the said Court to grant: Therefore

Legislative
Records of the
Council,
xxxviii., 654.
Mass.
Archives,
ccix., 374.

Resolved that the said account be allowed. [*Passed October 2.*]

CHAPTER 199.

RESOLVE IMPOWERING THE TOWN OF SHIRLEY TO CHOOSE A COLLECTOR OF TAXES.

Legislative
Records of the
Council,
xxxviii., 655.
Mass.
Archives,
ccix., 367.

Mass.
Archives,
ccix., 368,
369, 373.

WHEREAS Stephen Holden, a Collector of Taxes for the Town of Shirley, after having partly collected the taxes in said Town removed out of the State and considerable inconveniency has arose therefrom; and it further appears that Sawtell Holden, son of said Stephen Holden, has hired a person to the satisfaction of the Town of Shirley to collect said taxes, and desires the aid of this Court to enable the Town of Shirley to accept said person in the room of his father Stephen Holden above mentioned: Therefore

Resolved that the Town of Shirley be impowered to choose any person that to them may seem meet in the room of said Stephen Holden, and the person so chosen is hereby fully impowered to collect all such taxes as were to be collected by said Stephen Holden. [*Passed October 2.*]

CHAPTER 200.

RESOLVE ALLOWING £207. 18. 8 TO THOMAS JONES, JUN^R, COMMISSARY.

Legislative
Records of the
Council,
xxxviii., 655.

Mass.
Archives,
ccix., 370-
372d.

ON THE ACCOUNT of Thomas Jones, Jun^r, Commissary for Elizabeth Islands.

Resolved that there be allowed and paid out of the Treasury of this State to the said Thomas Jones, Jun^r, or his order, the sum of Two hundred and seven pounds, eighteen shillings and eight pence, which is the ballance of said account. [*Passed October 2.*]

CHAPTER 201.

RESOLVE ON THE PETITION OF WILLIAM FOSTER.

Legislative
Records of the
Council,
xxxviii., 655.
Mass.
Archives,
ccix., 362.

Mass.
Archives,
ccix., 364-366.

UPON THE PETITION of William Foster, praying that the government would agreeable to law approbate the purchase he has made of the estate of Sam^l Zeagers.

Whereas the House of Representatives for the year 1777 did upon the 5th day of July, 1777, give liberty to Sam^l Zeagers to make sale of his real estate, and in consequence of such permission, William Foster has purchased a house and land in Little Cambridge of the said Zeagers, with which Order the Council did not concur, by means whereof the purchase aforesaid is not of any validity without the sanction of this Court:

Therefore

Resolved that the said purchase be and hereby is declared good and valid to all intents and purposes, as much as if the said Zeagers had not been considered as a delinquent to this State [*Passed October 2.*]

CHAPTER 202.

RESOLVE RESPECTING MILITIA ORDERED TO BE DETACHED FROM MARBLEHEAD AND OTHER TOWNS.

WHEREAS it appears to this Court that it is at present inexpedient that the men detached from the Towns of Marblehead, Danvers, Gloucester, Ipswich, Salem and Beverly, by Order of Council of the 7th of September ult^o, should march to Boston as by said Order is directed: Therefore

Resolved that the Council of this State be desired to supersede the said Order of Council of the 7th of September ult^o so far as respects the militia of the Towns of Marblehead, Danvers Gloucester, Ipswich, Salem and Beverly. [*Passed October 2.*]

Legislative
Records of the
Council,
xxxviii., 657.
Mass.
Archives,
ccxix., 357,
358.

Mass.
Archives,
ccxix., 359, 360.

CHAPTER 203.

RESOLVE ON THE PETITION OF THE SELECTMEN OF GLOUCESTER.

ON THE PETITION of Peter Coffin and Jn^o Low, praying allowance of the accounts of the Town of Gloucester for fortifications erected in said Town.

Resolved that there be allowed and paid out of the Treasury of this State, to the Selectmen of the Town of Gloucester, or their order, for the use of said Town, the sum of Five hundred and seventy eight pounds, nine shillings and six pence, in full of their account for erecting and building the Forts in said Town. [*Passed October 2.*]

Legislative
Records of the
Council,
xxxviii., 658.
Mass.
Archives,
ccxix., 334.

Mass.
Archives,
ccxix., 335-351.

CHAPTER 204.

RESOLVE ALLOWING £44. 9^s TO GEORGE PARTRIDGE, ESQ^r.

Resolved that there be paid out of the public Treasury of this State to George Partridge Esq^r, the sum of Forty four pounds, nine shillings, in full for the ballance due to him for his journey and expences to Head Quarters and Philadelphia, agreeable to the account herewith exhibited. [*Passed October 2.*]

Legislative
Records of the
Council,
xxxviii., 659.
Mass.
Archives,
ccxix., 352.

Mass.
Archives,
ccxix., 353-356.

CHAPTER 205.

RESOLVE ON THE PETITION OF INHABITANTS OF SOUTH HADLEY.

ON THE PETITION of the inhabitants of South Hadley, praying for an alteration of the line between them and Granby, &c.

Resolved that the petitioners serve the Town Clerk of the Town of Granby with a copy of their Petition and this Order thereon, fourteen days before the second Wednesday of the next session of this Court, that they may shew cause on that day (if any they have) why the prayer of said Petition should not be granted. [*Passed October 2.*]

Mass.
Resolves,
Sept. sess.,
chap. 55.

CHAPTER 206.

RESOLVE ON THE PETITION OF SAMUEL AVERY.

Legislative
Records of the
Council,
xxxviii., 653.
Mass.
Archives,
ccix., 385b,
386.

Mass.
Archives,
ccix., 385,
385a.

ON THE PETITION of Samuel Avery, praying for leave to repair to Nova Scotia to bring from thence his effects.

Resolved that the petitioner, Samuel Avery, be, and he is hereby permitted to repair to Nova Scotia for the purpose of bringing from thence his effects, and the commanders of all armed vessels belonging to this State or to any of the subjects thereof, are hereby directed and enjoined not to interrupt the petitioner in the prosecution of the aforesaid business. It is also recommended to all commanders of Continental armed vessels, or of vessels belonging to either of the United States or to their subjects, to permit said Samuel Avery without molestation to carry into effect his business aforesaid. [*Passed October 3.*¹]

CHAPTER 207.

RESOLVE ON THE PETITION OF WILLIAM CALDWELL.

Legislative
Records of the
Council,
xxxviii., 660.

ON THE PETITION of William Caldwell.

Resolved that there be paid out of the Treasury of this State to the Sheriff of the County of Suffolk, the sum of Fifteen pounds, for the purpose of defraying the necessary expences of the said Caldwell since he arrived in this Town, the said [Sheriff] to be accountable to this Court for the expenditure of the same; and that the said Caldwell be admitted to enter on board the French Fleet now lying in the Harbour of Boston, agreeable to his verbal request this day before the House of Representatives. [*Passed October 3.*]

CHAPTER 208.

RESOLVE FOR DISCONTINUING THE POST EMPLOYED TO RIDE FROM CONNECTICUT TO NEW HAMPSHIRE.

Legislative
Records of the
Council,
xxxviii., 660.
Mass.
Archives,
ccix., 388.

Resolved that the President of the Council be, and he is hereby desired to write a Letter to his Excellency Governor Trumbull, desiring him to discontinue the Post which he was requested to employ to ride from Connecticut to New Hampshire by the Convention of Committees from the several New England States, that met at Providence in December, A.D. 1776, this Court judging it unnecessary that he should be any longer continued. Also

Resolved that the President of the Council be desired to write Letters to the respective Assemblys of said States informing them of this Resolve. [*Passed October 3.*]

¹ This date is October 2 according to Legislative Records of the Council.

CHAPTER 209.

RESOLVE APPOINTING JONATHAN WARD, ESQ^r, ON THE COMMITTEE TO LOOK UP EVIDENCES AGAINST PERSONS CONCERNED IN COUNTERFEITING.

WHEREAS Cap^t George Kimball, of Lunenburg, was some time since appointed by this Court one of the Comm^{tee} to look up evidence against those persons that were concerned in counterfeiting money, &c. and now desires to be excused: Therefore

Resolved that the s^d George Kimball be, and he hereby is excused from that service, and Jonathan Ward Esq^r, of Southboro, appointed one of s^d Comm^{tee} in his room. And whereas the Comm^{tee} afore^sd have already expended much time and considerable sums of money, and as it is absolutely necessary for the well being of these States, that s^d Comm^{tee} continue their vigilance and exertions in order to prevent the counterfeiting the Currency and bring such abandoned villains to condign punishment: Therefore

Resolved that the major part of the Council be, and hereby are desired to issue their Warrant to the Treasurer of this State for a sum of money not exceeding Six hundred pounds, in favour of the Hon^{ble} James Prescott, Esq^r, and others, the s^d Comm^{tee}, to enable them to proceed in that affair, they being accountable to this Court for the expenditure of the same. [*Passed October 3.*]

Legislative
Records of the
Council,
xxxviii., 660.
Mass.
Archives,
ccxix., 387.

CHAPTER 210.

RESOLVE ALLOWING £18 TO THOMAS FOOT.

ON THE PETITION of Tho^s Foot, late a soldier in Captain White's company and Colonel Francis's regiment, praying for allowance for his extraordinary sufferings and losses.

Resolved that there be paid out of the public Treasury of this State to the said Thomas Foot, Eighteen pounds, in consideration of his losses and sufferings. [*Passed October 3.*]

Legislative
Records of the
Council,
xxxviii., 661.

CHAPTER 211.

RESOLVE RESPECTING BOUNTIES ALLOWED BY RESOLVES PASSED IN APRIL AND JUNE, 1778.

WHEREAS the General Court in April last passed a Resolve for raising Two thousand men from the Militia of this State for nine months, to compleat this State's proportion of the Continental Army, and did engage that every Town and Plantation should receive a bounty of Thirty pounds for each man raised for the aforesaid purpose by the twentieth of May last, and did direct that the Militia Officers, or where there were no Militia Officers, the Selectmen, should make return into the Secretary's Office under oath of the men so raised; and did further by a Resolve passed the 12th of June, order Eighteen hundred men to be raised for several purposes therein mentioned, and did direct that the soldiers so raised should be paid by their several Towns the sum of Fourteen pounds each, which Bounties were by the several Resolves aforementioned to be deducted from the State Tax of each Town in proportion to

Legislative
Records of the
Council,
xxxviii., 661.
Mass.
Archives,
ccxix., 382.

the men by them raised: and whereas some Towns by reason of their situation and the miscarriage of the orders sent them were not able to raise the men by the 20th of May but did procure them soon after; and as no effectual provision is made for Towns to recover said Bounties: Therefore

Resolved that every Town or Plantation who procured the men ordered to be raised on the 20th of May by the first of July following, be entitled to the Bounty of £30 for each man so raised by them. And be it further

Resolved that the Militia Officers commanding companies, or where there is [are] no such Militia Officers, the Selectmen or the Committees of Plantations, make out a return under oath of all the men raised in their respective Towns or Plantations that are intitled to the aforesaid Bounty of Thirty pounds; and also that the Selectmen or Committees as aforesaid, make a return in like manner of all those raised in their Towns or Plantations to whom they paid the Bounty of Fourteen pounds, and lodge the same in the Secretary's Office some time before the second Wednesday of the next Session of the General Court, that the same may be examined and measures taken to deduct what may be due to the Towns or Plantations from the next tax that is made, which has hitherto been impracticable from the insufficiency of the returns. [*Passed October 3.*]

CHAPTER 212.

RESOLVE FOR REPAIRING THE POWDER MILL AT ANDOVER.

WHEREAS it is necessary for the public service that the Powder Mill at Andover should be again repaired:

Resolved that Samuel Phillips, Jun^r, be requested to proceed to repair his Powder Mill again without loss of time, and that there be allowed and paid him out of the public Treasury, in consideration of his repeated misfortunes, the sum of Four hundred pounds; that there be also allowed him the sum of One shilling and six pence for every pound of good merchantable Gunpowder which he shall manufacture, in addition to the encouragement given him by a Resolve of the 20th of June last; provided the said Phillips shall on his part perform the duty required by said Resolve.

It is further

Resolved that if said Powder Mill shall again suffer damage by accident while it continues in the service of this State, that this Court will refund half the expence which shall arise in repairing such damage. Also

Resolved that the several owners and keepers of Powder Mills under the direction of this State, be impowered to refine the Saltpetre which is or may be purchased by this State and brought to their respective Mills, if they shall think it necessary, and exhibit their accounts of the expences thereof to this Court for allowance. [*Passed October 3.*]

Legislative
Records of the
Council,
xxxviii., 662.
Mass.
Archives,
ccxix., 378.

Mass.
Archives,
ccxix., 379.

CHAPTER 213.

RESOLVE DIRECTING THE TREASURER TO ISSUE EXECUTIONS
AGAINST DELINQUENT COLLECTORS, &c.

Resolved that the Treasurer be and he hereby is directed to issue his Executions immediately after the first day of December next, against all defective Collectors and Constables for the year 1777, who shall not before that time make payment into the publick Treasury of the sums due from them respectively. [*Passed October 5.*]

Legislative
Records of the
Council,
xxxviii., 663.
Mass.
Archives,
ccxix., 392.

CHAPTER 214.

APPOINTMENT OF ROBERT SWAN AS 2ND MAJOR OF THE 3^D SUFFOLK COUNTY REGIMENT.

In the House of Representatives
The House by ballot made choice of Cap^t Robert Swan as second Major of the third Regiment of Militia in the County of Suffolk.
In Council
Read & Concurred. [*Passed October 5.*]

Legislative
Records of the
Council,
xxxviii., 664.
Mass.
Archives,
ccxix., 391.

CHAPTER 215.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER BLANKETS
TO JOHN GODDARD, CONDUCTOR OF STORES.

WHEREAS it has been represented to this Court that many of the Two thousand men ordered by a Resolve of the late General Court of April 20th 1778, to fill up the fifteen Continental Battalions raised in this State are destitute of Blankets and are unable to procure them: Therefore

Resolved that the Board of War be and they hereby are directed to deliver to John Goddard, Conductor of Stores for this State, four hundred Blankets in suitable packages for transportation; and the said John Goddard is hereby directed to transport the said Blankets and deliver them to Levi Shephard and Hezekiah Smith Esq^{rs}, Commissaries for this State, who are directed to sell the said Blankets to such of said men as are destitute, they paying such price as the Board of War shall affix and the cost of transportation, and the Board of War are further directed to send to each Commissary a copy of this Resolution. [*Passed October 5.*]

Legislative
Records of the
Council,
xxxviii., 664.
Mass.
Archives,
ccxix., 390.

CHAPTER 216.

RESOLVE ON THE PETITION OF EDMUND HOWES.

ON THE PETITION of Edmund Howes for permission to go to Nova Scotia and the Island of St John's to bring from thence his effects.

Resolved that Edmund Howes be, and he hereby is permitted to repair to Nova Scotia and from thence to the Island of St John's, and bring from thence his effects to this State any time within nine months from the time he shall leave this State; and all Cap-

Legislative
Records of the
Council,
xxxviii., 663.
Mass.
Archives,
ccxix., 393.
Mass.
Archives,
ccxix., 394.

tains or Commanders of the armed vessels in the service of this State or any of the subjects thereof are hereby directed, and the Captains or Commanders of any armed vessels in the service of the United States are requested, to permit the said Edmund Howes and his effects to pass unmolested.

And it is further

Resolved that the said Edmund Howes before he depart this State shall give bonds to the Treasurer, with sufficient surety, in the sum of One thousand pounds, that he will return into this State with his effects within the time aforesaid, the danger of the sea and enemies excepted. [*Passed October 6.*¹

CHAPTER 217.

RESOLVE FOR DISPOSING OF THE HULKS IN BOSTON HARBOR.

Legislative
Records of the
Council,
xxxviii., 664.
Mass.
Archives,
ccxix., 395.

Resolved that Caleb Davis, Esq^r, Hon William Phillips, Esq^r, and Mr Joseph Barrell, be a Committee to dispose of (by public sale) the Hulks belonging to this State now lying in Boston Harbour, as soon as conveniently may be (notice of the time and place of sale being given in the Boston News Papers at least three weeks before the sale), and pay the neat proceeds thereof into the public Treasury of this State and lay the accounts before this Court on the third Tuesday of the next session. [*Passed October 6.*¹

CHAPTER 218.

RESOLVE DIRECTING DELINQUENT ASSESSORS TO RETURN LISTS OF THE RATEABLE PROPERTY BY DECEMBER 1ST, 1778.

Legislative
Records of the
Council,
xxxviii., 664.
Mass.
Archives,
ccxix., 396.

WHEREAS by a late law of this State the Assessors in the several Towns within the same for the year One Thousand, seven hundred and seventy eight, were required to return into the Secretary's office true and perfect lists of the rateable property of each Town in this State by the 20th day of June last, and upon examination there is found to be but an inconsiderable number compared with the whole that has obeyed the order aforesaid: Therefore

Resolved that if the delinquent Assessors in the several Towns in this State for the year One Thousand seven hundred and seventy eight, do not return into the Secretary's Office true and perfect lists of the rateable property in each of their respective Towns, agreeable to the law aforesaid by the first day of December next, this Court will proceed to doom every Town that shall neglect to comply with this Order.

And whereas some Towns within this State have pleaded ignorance of the act aforesaid:

It is further

Resolved that this Resolve be printed in Hand Bills and sent to the Sheriffs of the several counties within this State, and that they cause one Hand Bill to be sent to each Town without delay at the expence of each respective County, to be allowed by the Court of General Sessions of the Peace for the same, in order that a compleat return may be obtained by the first day of December next as aforesaid. [*Passed October 6.*¹

¹ This date is October 5 according to Legislative Records of the Council.

CHAPTER 219.

RESOLVE PROVIDING FOR DISTRIBUTION OF PRINTED RESOLVES.

WHEREAS the Resolves of this Court which are ordered to be printed from time to time in Hand Bills do oftentimes miscarry or are not sent forward to the Towns and persons for whom they are designed:

Legislative
Records of the
Council,
xxxviii., 665.
Mass.
Archives,
ccix., 404.

Resolved that the Secretary be, and he hereby is directed to convey a suitable number of the Hand Bills, which may be printed for the several Towns in this State by order of Court, to the Sheriffs of the several Counties, who shall cause them to be distributed to the Towns in their Counties respectively at the expence of the State, and the Secretary is directed to furnish each Sheriff with a copy of this Resolve. [*Passed October 6.*]

CHAPTER 220.

RESOLVE ON THE PETITION OF THE SELECTMEN AND COMMITTEE OF THE TOWN OF DARTMOUTH.

Legislative
Records of the
Council,
xxxviii., 666.
Mass.
Archives,
ccix., 405.

ON THE PETITION of the Selectmen & Committee of the Town of Dartmouth in the County of Bristol.

Resolved that the Hon^{ble} Council be requested to release to s^d Town the twelve men directed to be levied on them by Order of Council of the 7th of September last, for the reasons set forth in s^d Petition. [*Passed October 6.*]

Mass.
Archives,
ccix., 406.

CHAPTER 221.

RESOLVE ON THE PETITION OF WILLIAM HOWE.

UPON THE PETITION of William Howe of Cumberland, in the Province of Nova Scotia, praying for leave to bring his family & effects into this State.

Resolved that the s^d William Howe be, and he hereby is permitted to bring his family and effects into this State; and all officers in the service of this State are hereby directed, and it is recommended to all other officers in the service of the United States or any of them, to permit the s^d Howe and his effects to come into this State unmolested. [*Passed October 6.*]

Legislative
Records of the
Council,
xxxviii., 666.
Mass.
Archives,
ccix., 407.

Mass.
Archives,
ccix., 408.

CHAPTER 222.

RESOLVE ALLOWING £100 TO THE COMMITTEE APPOINTED TO GO TO RHODE ISLAND.

Resolved that there be paid out of the public Treasury of this State the sum of One hundred pounds to the Hon^{ble} Timothy Danielson Esq^r, M^r Lemuel Kollock and Solomon Lovell Esq^r, or either of them, they being a Committee chosen by the General Court by a Resolve of the twenty sixth day of September last, to repair to Rhode Island for the purposes expressed in said Resolve. The said money to be appropriated to the payment of the expences of said Committee, and the person who shall receive the same sum to be accountable therefor. [*Passed October 6.*]

Legislative
Records of the
Council,
xxxviii., 666.
Mass.
Archives,
ccix., 408.

CHAPTER 223.

APPOINTMENT OF REUBEN MUNN AS 2^D MAJOR OF THE 2ND HAMPSHIRE COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 666.
Mass.
Archives,
ccix., 409.

In the House of Representatives

The House made choice by ballot of Cap^t Reuben Munn as second Major of the first Regiment of Militia in the County of Hampshire.

In Council

Read & Concurred. [*Passed October 6.*]

CHAPTER 224.

RESOLVE FOR SUPPRESSING RIOTS AND DISTURBANCES IN THE TOWN OF BOSTON.

Legislative
Records of the
Council,
xxxviii., 666.
Mass.
Archives,
ccix., 410.

Resolved that the major part of the Council be and hereby are desired to issue a Proclamation calling upon the civil magistrates to exert themselves in suppressing all Routs, Riots and public disturbances and quarrels in the streets, and use their utmost endeavors to bring all such persons as are guilty of promoting such Riots and disorders to justice; and that General Hancock be, and he hereby is directed to give orders for detaching a sufficient guard from the Boston Regiment to patrol the streets of the Town of Boston at proper hours in the night till the further order of this Court, and to take up and confine all persons whom they find promoting or engaged in a Riot or behaving in a riotous or disorderly manner, untill they can be delivered over to the civil magistrate, that they may be dealt with according to law. [*Passed October 6.*]

CHAPTER 225.

RESOLVE RESPECTING PAY OF MEMBERS OF THE GENERAL COURT.

Legislative
Records of the
Council,
xxxviii., 667.
Mass.
Archives,
ccix., 402.

WHEREAS the present high price of the necessaries of life is such that the former wages of the members of the General Assembly is by no means adequate to their expences: Therefore

Resolved that there be allowed to the Representatives thirty shillings per day, and to the members of the honorable Council thirty six shillings per day, for each days attendance, and that the pay roll for the present session of the General Court be made up accordingly. [*Passed October 6.*]

CHAPTER 226.

APPOINTMENT OF FIELD OFFICERS FOR THE 2ND SUFFOLK COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxviii., 667.
Mass.
Archives,
ccix., 401.

In the House of Representatives

The House made choice by ballot of the following Gentlemen as Field Officers for the second Regiment of Militia in the County of Suffolk, viz.

David Cushing	Colonel
Thomas Lothrop	Lieut. Colonel
Isaiah Cushing	first Major
Samuel Ward	second Major.

In Council

Read and Concurred. [*Passed October 6.*]

CHAPTER 227.

RESOLVE ON THE PETITION OF STEPHEN SAMPSON.

ON THE PETITION of Stephen Sampson respecting a debt due him from this State.

Resolved that the Board of War be, and they are hereby directed to examine the account exhibited by Stephen Sampson against this State for sundry articles of iron work made and delivered by him for the use of the Brig^a Independence in the year 1776, and if upon examination said account appears to be just that they pay the same. [*Passed October 6.*]

Legislative
Records of the
Council,
xxxviii., 667.
Mass.
Archives,
ccix., 399.
Mass.
Archives,
ccix., 400.

CHAPTER 228.

RESOLVE ALLOWING ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

WHEREAS it appears upon examination of the accounts of the Treasurer of the County of Worcester, that all the monies granted and allowed by the Court of General Sessions of the Peace for said County for the year 1777 and 1778, were for such purposes and appropriations as the law impowered said Court to grant: Therefore

Resolved that the said accounts be allowed. [*Passed October 6.*]

Legislative
Records of the
Council,
xxxviii., 668.
Mass.
Archives,
ccix., 397.

CHAPTER 229.

RESOLVE ON THE PETITION OF BENAJAH PHELPS.

ON THE PETITION of Benajah Phelps.

Resolved that the said Benajah Phelps be, and he is hereby permitted to return to Nova Scotia and to bring from thence his family and effects into this or any other of the United American States. And all commanders of vessells of War belonging to this State are hereby directed and forbid molesting or hindering the said Phelps from returning to and from Nova Scotia with his family and effects into this or any of the United States. And all commanders of armed vessells belonging to any of the United States are hereby desired not to interrupt or molest the said Phelps in returning to and from Nova Scotia as aforesaid. [*Passed October 7.*¹]

Legislative
Records of the
Council,
xxxviii., 666.
Mass.
Archives,
ccix., 413.
Mass.
Archives,
ccix., 412, 414.

¹ This date is October 6 according to Legislative Records of the Council.

CHAPTER 230.

ORDER FOR INQUIRING INTO CONDUCT OF A NUMBER OF RIOTOUS
PERSONS IN BOSTON.

Legislative
Records of the
Council,
xxxviii., 669.
Mass.
Archives,
ccxix., 416.

Mass.
Archives,
ccxix., 415.

WHEREAS the following persons, viz. Patrick McMyre, Thomas Spring, James Clover, James Hickey, James Russell, Thomas Bell, Henry Nenterbell, George Renney, John Davis, Richard Billings, Robert Quire, Thomas Pilkington, Daniel McColpin, Patrick Nash, George Allen, Richard Cock, John Sanger, John Costing, Archibald Campbell, William Blockey, Thomas Dawson, William McGawn and Joseph Johnson, have been apprehended and confined under the main guard at Fort Hill in the Town of Boston on suspicion of their being concerned in a Riot:

Ordered that Justice Pemberton and Justice Gardner be, and hereby are directed to convene said persons before them as also a number of other persons who were taken up and confined at the place aforesaid on the same account the night of the 5th instant, and make proper enquiry into the crimes of said persons and cause them to be dealt with according to law; and all the officers concerned in apprehending said persons are hereby ordered, and all other persons who can give any evidence of said apprehended persons or of any others being concerned in the riot before referred to be required, to appear before said Justices and give such information as they are able with respect to the conduct of said persons. [*Passed October 7.*]

CHAPTER 231.

APPOINTMENT OF HON. OLIVER PRESCOTT, ESQ^R, AS 3RD MAJOR
GENERAL OF THE MILITIA.

Legislative
Records of the
Council,
xxxviii., 669.
Mass.
Archives,
ccxix., 417.

In the House of Representatives

The House made choice by ballot of the Hon^{ble} Oliver Prescott, Esq^r, as third Major General of the Militia of this State, in the room of the Hon^{ble} Michael Farley, Esq^r, who has been elected a second Major General.

In Council

Read and concurred. [*Passed October 7.*]

CHAPTER 232.

RESOLVE ALTERING TIME OF HOLDING COURT OF GENERAL SES-
SIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS
IN ESSEX COUNTY.

Legislative
Records of the
Council,
xxxviii., 669.
Mass.
Archives,
ccxix., 418.

WHEREAS the Court of General Sessions of the Peace and Inferiour Court of Common Pleas was by a Resolve of this Court of the twenty third day of September last directed and appointed to be holden by adjournment at Newbury Port, within and for the County of Essex, on the last Tuesday of October instant; and whereas the Superior Court of Judicature, &c., is by law to be holden at Salem, within and for the same County of Essex, on the first Tuesday of November next; by reason of which the Clerk of the Inferiour Court of Common Pleas aforesaid, will not have sufficient time to make out attested copies of the several cases

which may be carried up by appeal to the said Superior Court of Judicature, &c, from the Inferiour Court aforesaid, unless the same Inferiour Court be holden on some day preceding the last Tuesday of October instant: Therefore

Resolved that the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas be holden at Newbury Port, within and for said County of Essex, on the third Tuesday of October instant; and that all writs, processes, and recognizances returnable to, and all appeals made to the said Court of General Sessions of the Peace and Inferiour Court of Common Pleas appointed by law to be holden at Newbury Port, and all matters, causes and things that have day, or that might have been had, moved or done at, in or by the said Courts at the times of holding the same by law and the Resolve first mentioned, shall be returnable to and may be entered, prosecuted, had, moved and done at, in and by said Courts at the time hereby appointed for holding the same. And the Secretary is directed to publish this Resolve in the next Thursday's Boston News Papers, and also transmit an attested copy of this Resolve to the Clerk of said Courts. [*Passed October 7.*]

CHAPTER 233.

RESOLVE ON THE PETITION OF HOLTON JOHNSON, AGENT FOR THE TOWN OF LYNN.

WHEREAS it has been represented to this Court that the Town of Lynn is in an exposed situation if the enemy should make any attempt in these parts: Therefore

Resolved that the Hon^{ble} the Major part of the Council be desired to give orders that the men which the Town of Lynn have raised as their proportion of the 1200 men ordered by Council be discharged. [*Passed October 8.*]

Legislative
Records of the
Council,
xxviii., 670.
Mass.
Archives,
ccxix., 420.
Mass.
Archives,
ccxix., 421.

CHAPTER 234.

RESOLVE DIRECTING THE TREASURER TO PAY WARRANTS DRAWN IN FAVOR OF THE BOARD OF WAR.

THE BOARD OF WAR having represented to this Court that they have Warrants upon the Treasurer of this State, upon which Warrants there is at present a ballance due, and they have further represented that they have immediate occasion for said money: Therefore

Resolved that the Treasurer be, and he hereby is directed to pay what may be due upon said Warrants out of the first moneys that may come into his hands. [*Passed October 8.*]

Legislative
Records of the
Council,
xxxviii., 671.
Mass.
Archives,
ccxix., 422.
Mass.
Archives,
ccxix., 423.

CHAPTER 235.

RESOLVE RESPECTING OFFICERS OF COL^O WADE'S AND COL^O JACOBS' REGIMENTS.

WHEREAS a number of officers lately belonging to Colonels Wade's and Jacobs' regiments upon the year establishment at Rhode Island, have in an unusual manner been dismissed and sent home:

Legislative
Records of the
Council,
xxxviii., 671.

Mass.
Archives,
ccxix., 424.

Therefore

Resolved that all such officers be directed to repair immediately to their respective regiments at Rhode Island in order to be arranged or regularly discharged by the Committee of this Court appointed for that purpose.

And said Committee is hereby directed to consider the above mentioned officers in the arrangement or discharges they shall make. [*Passed October 8.*]

Mass.
Archives,
ccxix., 425.

CHAPTER 236.

RESOLVE PROVIDING PAY AND RATIONS FOR THE GUARD AT WATERTOWN.

Legislative
Records of the
Council,
xxxviii., 672.
Mass.
Archives,
ccxix., 426.

WHEREAS the Hon^{ble} Council by their Order dated June 25th, 1778, directed Jon^a Brown Esq^r, of Watertown, to inlist one sergeant, one corporal and seven privates as a guard for the Magazine at Watertown, to do duty for Six months from the second day of July last, to have such pay and subsistence as the General Court shall order: Therefore

Resolved that there be allowed and paid to said sergeant Six pounds for each kallender month; to the corporal Five pounds per month and to each private soldier Four pounds per month, for each month they shall be in said service and rations as customary. [*Passed October 8.*]

Mass.
Archives,
clxiv., 301½;
ccxix., 427.

CHAPTER 237.

RESOLVE IMPOWERING THE COMMITTEE ON ACCOUNTS TO SETTLE WITH PERSONS WHO HAVE RECEIVED MONEY OUT OF THE TREASURY.

Legislative
Records of the
Council,
xxxviii., 672.
Mass.
Archives,
ccxix., 428.

WHEREAS divers committees and others have received monies out of the Treasury and performed services agreeable to sundry Resolves of this Court, whose accounts are yet unsettled: Therefore

Resolved that the Committee on Accounts be, and they hereby are appointed a Committee to settle accounts with, and receive any balances that may be due from all and every person that has received money out of the Treasury, and all balances so received the Committee are hereby directed to pay into the Treasury and take Receipts therefor; and all persons having such accounts are called upon, as soon as may be, to bring them in accordingly. [*Passed October 8.*]

CHAPTER 238.

RESOLVE DISCHARGING THE COUNCIL COMMITTEE ON ACCOUNTS OF THE SUM OF £38,007. 12^s. 3½^d.

Legislative
Records of the
Council,
xxxviii., 669.
Mass.
Archives,
ccxix., 430.

Resolved that the Committee of Council chosen to receive, examine and pay accounts for services done in consequence of a Resolve of the General Court the 5th of June, 1777, viz. Jabez Fisher, Benja^a White and Daniel Davis, Esq^r, be, and they are hereby discharged of the sum of Thirty eight thousand and seven pounds,

twelve shillings and three pence, three farthings, and that there is a ballance due to the said Committee on the 1st of June, 1778, the sum of Thirty pounds, ten shillings and nine pence half penny. [*Passed October 9.*¹

Mass.
Archives,
ccix., 429.

CHAPTER 239.

RESOLVE ON THE PETITION OF JOSEPH GRIDLEY.

ON THE PETITION of Joseph Gridley.

Resolved that the prayer of the petitioner be so far granted only, as that Joseph Gridley be, and hereby is permitted to go from hence to the Magdalen Islands in the Gulf of St Lawrence, and to bring up all his property and effects into this or any of the United States of America in which he shall incline to settle; and all commanders of armed vessells belonging to this State are ordered, and any belonging to the United States or any of them are requested, not to molest or impede him from passing and repassing as aforesaid with his effects. [*Passed October 9.*²

Legislative
Records of the
Council,
xxxviii., 671.
Mass.
Archives,
clxxiv., 261.

Mass.
Archives,
clxxxiv., 250-
260.

CHAPTER 240.

RESOLVE ON THE PETITION OF WILLIAM GREENWOOD.

UPON THE PETITION of William Greenwood, praying for permission to return to Nova Scotia, &c.

Resolved that William Greenwood, be, and he hereby is permitted to return to Barrington in Nova Scotia in the Schooner Sally, and to carry with him forty bushels of Rye and three casks of Flour for the support of his distressed family and neighbours, he giving bond to the Naval Officer of the Port of Boston in the sum of Two hundred pounds, that he will carry out of this State such articles only as he is permitted by this Resolve; and the commanders of all armed vessels belonging to this State are ordered, and the commanders of all other armed vessels belonging to the United States or any of them are requested, to suffer the said Greenwood to pass unmolested accordingly. [*Passed October 9.*²

Legislative
Records of the
Council,
xxxviii., 672.
Mass.
Archives,
ccix., 431, 433.

Mass.
Archives,
ccix., 432, 434.

CHAPTER 241.

RESOLVE ON THE PETITION OF THE SELECTMEN, ETC., OF THE TOWN OF HARDWICK RESPECTING JONATHAN DANFORTH.

WHEREAS it appears to this Court, that Jonathan Danforth, late of Hardwick (now of Barre), since September, 1774, from time to time, hath behaved in a very insolent and abusive manner toward the said Town of Hardwick, and espically toward the Committee of said Town in their executing the duties of their office, particularly in his unreasonable, turbulent obstinacy in accounting for public moneys in his hands when properly called thereto; his endeavoring to conceal the goods and effects of persons fled to the enemy; his discouraging and insulting speeches and behaviour to and among the good people of said Town, when

Legislative
Records of the
Council,
xxxviii., 673.
Mass.
Archives,
ccix., 435.

Mass.
Archives,
ccix., 437-459.

¹ This date is October 7 according to Legislative Records of the Council.

² This date is October 8 according to Legislative Records of the Council.

pursuing the orders of government, &c; which line of conduct he continued till about July, 1776, when he in a sudden and secret manner absconded, having first secretly conveyed away his most valuable effects, all which gave the strongest presumptive evidence that he was actually fled to the enemy with others his friends that were known to be gone thither. Under these circumstances the Committee of said Town proceeded agreeable to the Resolves of the General Court, and in behalf of the government, took possession of his estates that could be found as a Refugee's Estate. That in about 4 or 5 months after, said Danforth returned and without applying to this Court for restoring his estates taken as aforesaid, is harrassing said Committee with expensive and perplexing law suits, and is threatening to bring many more, not only to their great damage but also to the disturbance of the good and liege people of this State. Wherefore it is become absolutely necessary for this Court to interpose in this matter: Therefore

Resolved that the two actions brought by the said Jonathan Danforth, one against Timothy Page for repleaving a quantity of tea; the other against Thomas Robinson for the recovering a certain house claimed by said Danforth; which are mentioned in the Petition of the Selectmen and Committee of the said Town of Hardwick addressed to this Court, and are now pending in the Inferiour Court of Common Pleas for the County of Worcester, shall be, and they are hereby declared utterly null and void and all further proceedings thereon shall cease forever; and that the said Danforth shall be, and he hereby is utterly disqualified and disabled forever from bringing any other action or actions against said Committee, or either of them or any other person, either in his own name or in the name of any other in his behalf, for the recovery of damages done or supposed to be done in consequence of the proceedings of said Committee or Town of Hardwick dealing with him, the said Danforth, as a person inimical to the common cause, without leave first had and obtained from the General Court. And whereas it doth not appear to this Court that the said Danforth has been guilty of actually joining our unnatural enemies, or giving information to or supplying them, but rather the contrary is supposed: Therefore

Resolved that the said Committee be, and they hereby are directed and ordered to acquit and release to the said Danforth all the estate by them taken as the estate of said Danforth, the inventory whereof is lodged in the Secretary's Office. [*Passed October 9.*]

CHAPTER 242.

RESOLVE ON THE PETITION OF ISAAC BURTON.

Legislative
Records of the
Council,
xxxviii., 674.

UPON THE PETITION of Isaac Burton, Lieutenant in Colonel Wigglesworth's regiment, praying for pay and rations while in the army and until his return home, he being sent home as a supernumerary officer.

Resolved that there be paid to Isaac Burton out of the Treasury of this State, the sum of Eighty five pounds, for his pay for seven months and an half and rations and for the bounty for enlisting eight men, upon his producing to this Court a certificate from Colonel Wigglesworth that he has accounted for all the monies he has received from his superior officer, and that he be considered as fully discharged from said service. [*Passed October 9.*]

CHAPTER 243.

RESOLVE DIRECTING THAT THE MILITARY GUARD IN BOSTON BE DISCONTINUED.

WHEREAS it appears to this Court that the military guard ordered the 6th instant to patrol the streets of Boston and take up and confine all disorderly persons have effectually done their duty, and as the Town for the two past nights has been remarkably quiet:

Therefore

Resolved that Gen^l Hancock be, and he hereby is directed to omit the said military guard until further orders. [*Passed October 9.*]

Legislative
Records of the
Council,
xxxviii., 674.
Mass.
Archives,
ccxix., 467.

CHAPTER 244.

RESOLVE ON THE PETITION OF PEREZ MORTON.

ON THE PETITION of Perez Morton, praying that he may be allowed a compensation for his services as Secretary pro tempore from July 26th, 1775, to 10th of August, 1775, and also for his services as Deputy Secretary from the said 10th Day of August, 1775, to June 1st, 1776, being ten months and five days.

Resolved that there be allowed and paid out of the Treasury of this State to the said Perez Morton, the sum of One hundred and thirty pounds, in full for all his aforesaid services. [*Passed October 9.*]

Legislative
Records of the
Council,
xxxviii., 674.
Mass.
Archives,
ccxix., 468.

Mass.
Archives,
ccxix., 469.

CHAPTER 245.

RESOLVE ON THE PETITION OF THE SELECTMEN OF TOPSHAM.

ON A PETITION of the Selectmen of the Town of Topsham, in the County of Lincoln, setting forth that many doubts and disputes have arisen in said Town, on account of the neglect of a regular return on the warrants for calling their annual Town meetings in March, 1776, 1777 and 1778, and neglecting to record the same.

Therefore for solving all such doubts and disputes:

Resolved that none of the proceedings of said meetings or of any Town meeting since March, 1776, shall be considered as invalid on account of the irregularity of the said returns or neglect in recording the same. [*Passed October 9.*]

Legislative
Records of the
Council,
xxxviii., 674.
Mass.
Archives,
ccxix., 464.

Mass.
Archives,
ccxix., 465.

CHAPTER 246.

APPOINTMENT OF EDWARD PROCTOR AS LIEUT. COLONEL AND JOSEPH WEBB AS 1ST MAJOR OF THE BOSTON REGIMENT.

In the House of Representatives

The House made choice by ballot of Edward Proctor as Lieut. Colonel and Joseph Webb as first Major of the Boston Regiment.

In Council

Read and concurred. [*Passed October 9.*]

Legislative
Records of the
Council,
xxxviii., 675.
Mass.
Archives,
ccxix., 463.

CHAPTER 247.

RESOLVE ON THE PETITION OF WILLIAM BAKER.

Legislative
Records of the
Council,
xxxviii., 675.
Mass.
Archives,
ccxix., 470.
Mass.
Archives,
ccxix., 471.

ON THE PETITION of William Baker, praying an allowance for his extra services as the Messenger of this Court:

Resolved that there be allowed and paid out of the public Treasury of this State to the said William Baker for his services the first six months of the present year, commencing the last Wednesday in May last, the sum of Two Hundred pounds, and that he receive the said sum in quarterly payments. [*Passed October 9.*]

CHAPTER 248.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER FIREARMS TO SELECTMEN AND COMMITTEES OF PLANTATIONS.

Legislative
Records of the
Council,
xxxviii., 675.
Mass.
Archives,
ccxix., 460.

WHEREAS there is in the hands of the Board of War a considerable number of Fire Arms more than is necessary to be retained in the Public Store, and the said arms may be wanted for the use of the Militia in this State (through waste or other wise): Therefore

Resolved that the Board of War be, and they are hereby directed to deliver to the Selectmen of the several Towns in this State and to the Committees of the Plantations within the same, or their order, six Fire Arms with the accoutrements to them belonging, to every hundred men in their respective Towns and Plantations, agreeable to the returns of the Male Inhabitants in such Towns and Plantations made into the Secretary's Office A.D. 1777, and in the same proportion for a less number; the said Selectmen and Committees paying for the same at the rate of Six pounds for each Fire Arm and accoutrements so delivered; and to be disposed of by them to the inhabitants within their Towns and Plantations respectively as they judge most for the safety of the State; provided the said Fire Arms, &c. shall be applied for by the first day of January next. [*Passed October 9.*]

CHAPTER 249.

RESOLVE FOR PAYMENT OF COL^O JAMES STONE AND MAJOR REUBEN READ.

Legislative
Records of the
Council,
xxxviii., 675.

Resolved that there be paid out of the public Treasury to Colonel James Stone, the sum of Nineteen pounds, four shillings, for his service as Lieut. Colonel for the term of one month and two days in the expedition to the Northward for the capture of General Burgoyne, and the further sum of Four pounds, fourteen shillings and eight pence, for his rations during that term. That there be also paid in the same manner to Major Reuben Read, the sum of Sixteen pounds for his service as Major for the term of one month and two days in the abovementioned expedition and the further sum of Three pounds, thirteen shillings and four pence, for his rations during that term; the said Stone and Read having been omitted by Colonel Holman (to whose regiment they belonged) in his abstract of pay; the above sums to be in full for the above purposes. [*Passed October 9.*]

CHAPTER 250.

RESOLVE ON THE PETITION OF JOSEPH TRUMBLE.

ON THE PETITION of Joseph Trumble, on account of his son, James Trumble, late a soldier in the Continental Army.

Resolved that there be allowed and paid to Joseph Trumble out of the public Treasury of this State, the sum of Twenty five pounds, in consideration of the sickness and sufferings of his son, late a soldier in the Continental Army, and of the great cost and charge incurred by him in consequence thereof. [*Passed October 9.*]

Legislative
Records of the
Council,
xxxviii., 676.

CHAPTER 251.

RESOLVE ADDING PENALTIES TO THE RESOLVE FOR IMPRESSING TEAMS, ETC.

WHEREAS the Resolve of the General Court passed the 25th of April last, for impressing teams for the State Conductor of Stores, is found ineffectual thro' the want of penalties: Therefore

Resolved that the owner or owners of any Cart, Waggon, Oxen or Horses, which may hereafter be impressed to perform the service mentioned in the Resolve aforesaid, shall be, and are hereby subjected to the penalty of Three pounds per day for each and every Cart, Waggon and pair of Oxen, and Forty shillings for every Horse and Three pounds for every driver so impressed and refusing to perform or to suffer such service to be performed, the days to be computed according to the time for which they shall be impressed. Said penalties, according to the amount thereof, to be recovered in any Court of record, within the County in which the offender may dwell, by due process, upon the complaint of any person whatsoever, to be applied to the use of this State and to be deposited for that end with the Treasurer of the same. [*Passed October 10.*]¹

Legislative
Records of the
Council,
xxxviii., 667.
Mass.
Archives,
ccxx., 5, 7.
Mass.
Archives,
ccxx., 6, 8, 9.

CHAPTER 252.

RESOLVE FOR REPAIRING THE PROVINCE HOUSE.

WHEREAS the Province House, so called, in Boston, out-houses, yards and fences thereto belonging, being the property of this State, are going to decay, owing in a great measure to the want of some repairs, and there being now no person appointed to oversee and take care of the same: Therefore

Resolved that the Hon^{ble} John Pitts Esq^r, Thomas Dawes and Caleb Davis, Esquires, be a Committee to cause such repairs to be made upon the said Province House, out-houses, fences, gardens, yards, cistern, drains, &c, thereunto belonging, as the Committee shall think most for the interest of the State. Also look after, oversee and take care of all and every part of the same that may come within their knowledge, and lease out and receive the rents of any part that may not be wanted for the use of the State, said Committee to be accountable to the General Court for all monies they so receive, and lay the accounts arising by such repairs before the

Legislative
Records of the
Council,
xxxviii., 675.
Mass.
Archives,
ccxx., 10.

¹ This date is October 6 according to Legislative Records of the Council.

Court as soon as conveniently may be; and observe from time to time all orders of this Court that have been or may be taken relating to the premises. [*Passed October 10.*¹]

CHAPTER 253.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY THE FORT ON CASTLE ISLAND WITH POWDER.

Legislative
Records of the
Council,
xxxviii., 676.
Mass.
Archives,
ccxx., 4.

That the fort on Castle Island may be supplied with Gun Powder:

Resolved that the Board of War be, and hereby are directed to purchase such Powder at Castle Island belonging to a Frenchman as is sufficient proof, and to order the two tons of good Powder at Stoughton; also to request of General Heath the twenty barrels of Powder lent the Continent, and make up the remainder to compleat the 13,000 weight out of the foreign Powder in their possession for the use of said Castle.

They are also directed to apply to Gen^l Heath for the 30,000 Musket cartridges to be lodged in the Laboratory or some other convenient place, and for the immediate return of the ten flat bottom boats lent for the expedition to Rhode Island to transport men to and from said Castle. [*Passed October 10.*]

CHAPTER 254.

RESOLVE DIRECTING A COMMITTEE TO REPAIR THE POWDER MAGAZINE IN BOSTON.

Legislative
Records of the
Council,
xxxviii., 676.
Mass.
Archives,
ccxx., 3.

Resolved that the Committee appointed to repair the Province House be a Committee to make such repairs as they judge necessary to be made to the Powder Magazine in the Town of Boston and the Guard House near the same, and if they judge it expedient, to remove the said Guard House to a further distance from the said Magazine. [*Passed October 10.*]

CHAPTER 255.

RESOLVE ADJOURNING COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS FOR THE COUNTY OF DUKES COUNTY.

Legislative
Records of the
Council,
xxxviii., 676.
Mass.
Archives,
ccxx., 1.

Mass.
Archives,
ccxx., 2.

ON THE PETITION of Joseph Mayhew and others, Justices of the Inferiour Court of Common Pleas, &c., for the County of Dukes County, praying that all matters and things whatsoever that were returnable to the last term, which was to have been held at Edgartown in said County, on the first Tuesday of March last past, might be continued over to the last Tuesday of October instant for reasons set forth in the Petition: Therefore

Resolved that the prayer of said Petition be granted, and that all pleas, writs, actions, suits, complaints, processes, recognizances, or other things whatsoever that were returnable, or had day or days in the said Court of General Sessions of the Peace, or in the said Inferiour Court of Common Pleas, respectively, to have been

¹ This date is October 9 according to Legislative Records of the Council.

holden at Tisbury [Edgartown] aforesaid, shall stand continued and be revived and adjourned unto, and shall and may be pleaded, heard and proceeded upon at the next General Sessions of the Peace and the next Inferiour Court of Common Pleas respectively, to be by law holden at Tisbury, within and for said County of Dukes County, on the last Tuesday of October instant. And that all parties that had day, by any pleas, writs, actions, suits, or other thing or things whatsoever; and also all persons chosen to serve as grand jurors in and for said County for one year from the first Tuesday of March last; shall respectively appear at the said next Court of Sessions and Court of Common Pleas, to be holden in and for said County as aforesaid, under the same forfeitures and penalties that the said parties and grand jurors would have been respectively liable to incur for not appearing at the aforesaid Courts respectively, had the said Courts been holden as they were by law to have been holden at Edgartown on the first Tuesday of March last past; and that the persons chosen as aforesaid and returned as thus chosen grand jurors and who shall appear, shall at the next General Sessions of the Peace to be holden at Tisbury as aforesaid be impanelled and sworn as a Grand Inquest for the body of the County aforesaid, during the remainder of the Year for which they were chosen and until others be chosen and sworn in their stead. [*Passed October 10.*]

CHAPTER 256.

RESOLVE ON THE PETITION OF ABIGAIL HINGSTON.

ON THE PETITION of Abigail Hingston, praying for liberty to go to New York in the Cartel lately arrived from that place and to carry her furniture and effects with her.

Resolved that the prayer of the Petition be so far granted that the said Abigail Hingston be permitted to go to New York in the said Cartel, and to carry such furniture and effects as the Committee of Correspondence, &c., for the Town of Boston shall permit. [*Passed October 10.*]

Legislative
Records of the
Council,
xxxviii., 677.
Mass.
Archives,
ccxix., 478.

Mass.
Archives,
ccxix., 479, 480;
ccxx., 140.
Legislative
Records of the
Council,
xxxix., 12.

CHAPTER 257.

RESOLVE FOR SUPPLYING THE OVERSEERS OF THE POOR OF BOSTON WITH CORN.

Resolved that the Board of War be, and hereby is impowered and directed to deliver to the Overseers of the Poor of the Town of Boston, two hundred bushels of Corn at the rate which may hereafter be fixed by this Court per bushel, for the present supply of the State and Town Poor in the Almshouse in said Town. And that the said Board of War be directed to take a receipt from the Selectmen of said Boston for said Corn, as so much paid by this State to said Town towards defraying the expence of maintaining the State Poor in said Almshouse. [*Passed October 10.*]

Legislative
Records of the
Council,
xxxviii., 677.
Mass.
Archives,
ccxix., 476.

Mass.
Archives,
ccxix., 477.

CHAPTER 258.

RESOLVE EXTENDING THE TIME FOR PROCURING CLOTHING.

Legislative
Records of the
Council,
xxxviii., 678.
Mass.
Archives,
ccxix., 472.

WHEREAS the Great and General Court of this State on the 13th day of March in this present year, did make a Resolve calling upon the good people of this State to procure a certain number of Shirts and pairs of Shoes and Stockings, equal to one seventh part of the male inhabitants of each Town above the age of sixteen years, as by returns then lately made into the Secretary's office; requesting the Selectmen and Committees of the several Towns and Plantations who had not already complied with the spirit of said Resolve, to make application without delay to every person in their respective Towns whom they might suppose able to contribute any of those articles, and to appoint some person or persons to receive and deliver them to an Agent appointed to receive the same; and in case it should be found that a sufficient quantity could not be procured by contribution, the Selectmen of such Towns were by said Resolve authorized and directed to draw moneys from their respective Town treasuries, or otherwise hire moneys, and purchase said articles so as to compleat and deliver them as aforesaid, taking receipts for the same specifying every article:

And whereas among sundry other things it was Resolved in case any Town should refuse and neglect to furnish their quota as aforesaid, the Board of War should make up such deficiency, and a sum equal to double the amount of the cost of such Cloathing furnished by the Board of War for any delinquent Town should be annexed to such Town's proportion of the next State Tax:

And whereas by one other Resolve made and passed in the Great and General Court on the 17th day of June last, requiring and directing the Selectmen of each Town in this State to collect from the inhabitants of their respective Towns, or otherways procure upon or before the Twentieth day of September then next ensuing, the number of Shirts, Shoes and Stockings set and affixed to their respective Towns in a schedule to said Resolve annexed, the same being the number of each of those articles equal to one seventh part of the male inhabitants of such Towns above the age of sixteen years, as returned into the Secretary's office:

And whereas it was further provided by said Resolve that the Selectmen of each Town should upon or before the fifth day of October then next ensuing, cause the said articles to be transported to such place or places in the Counties to which they respectively belong, as the Agent of the County who should be by the General Court appointed to receive them should order, and that said Agents should transport the same to such place or places within this State as this Court should order and direct; and on or before the Twentieth day of October aforesaid, should make out and lodge in the Secretary's office a true and perfect inventory of the articles they shall so receive, with the names of the Selectmen and Towns from whence they received the same, and the prices at which the Selectmen shall charge them, in order that the same may be examined and approved by a Committee of this Court, to be upon or before that time especially appointed for that purpose, in order that payment may be made for the same:

And it was further provided by said Resolve that on failure of the Selectmen or Committees of Plantations in making returns to the Agents as directed, that they should be respectively subjected to a penalty of Thirty pounds for the use of the government, to be recovered as by said Resolve is provided.

And if any Agent, appointed for the purposes aforesaid, should neglect to make returns as above required and directed, he should be subjected to the penalty of One hundred pounds, to be recovered as is by said Resolve provided.

And whereas it appears to this Court that many Towns and Plantations in this State, together with the Selectmen or Committees thereof, by reason of the aforesaid Resolves not being duly and seasonably distributed to such Towns, have failed of complying with the good intention of the same, and have thereby incurred the penalties to which by such Resolves wilful offenders against the same are and ought to be subjected: for remedy whereof it is

Resolved that all such deficient Towns, Selectmen and Committees of Plantations, who shall by the first day of December next, do and perform the several duties required of them respectively by the before recited Resolves, shall be and hereby are exempted from the penalties to be inflicted by said Resolves, but not otherwise, any thing in said Resolves to the contrary notwithstanding. And all such Agents as have already been, or may hereafter be appointed, who shall neglect or continue to neglect the performance of the severall duties to them respectively belonging, according to the true intent and meaning of the aforesaid Resolves, as is therein required and enjoined, on or before the first day of January next, shall be subjected to all intents and purposes, to the respective fines and forfeitures, to be recovered to the use of this State as by said Resolves is provided and declared.

And it is further

Resolved that the Selectmen and Committees of Plantations who are still deficient in their duty, by reason of non compliance with the Resolve of the General Court of the thirteenth of March last, be and hereby are directed to deliver all such Cloathing as still remains to be delivered in compliance with the Resolve aforesaid, to the Agents who were appointed by the Resolve of this Court of the 17th of June last. And such Agents are hereby directed to receive such Cloathing, and make a separate return thereof into the Secretary's office on or before the first day of January next.

And whereas no Agent was appointed by this Court for the County of York on the 17th day of June aforesaid, to receive such articles of Cloathing from the Selectmen and Committees of the several Towns and Plantations in said County of York:

for remedy whereof, it is further

Resolved that Joseph Simpson, Esq^r, be and hereby is appointed to said office for said County, with full power and authority to act and do in the premises, as he might and ought to have done had he been appointed on the 17th day of June aforesaid. And in case of neglect or non-performance of his duty as Agent for said County, shall be subjected to such penalties and forfeitures as Agents are subjected to for non-compliance with their duty, agreeable to the true intent and meaning of the aforesaid Resolve. And the Selectmen and Committees of the several Towns and Plantations in said County of York are hereby required and enjoined to make due returns to him, the said Agent accordingly, on forfeiture of the like penalties, and to be recovered in the same way and manner as by said Resolve is already provided, any thing therein to the contrary notwithstanding. [*Passed October 10.*]

CHAPTER 259.

RESOLVE DIRECTING THE TREASURER TO PAY OFF ALL WARRANTS.

Legislative
Records of the
Council,
xxxviii., 680.
Mass.
Archives,
ccxx., 13.

Resolved that the Treasurer of this State be and he hereby is directed to pay off all Warrants drawn on him by order of this Court, any thing contained in the Resolve of the eighth instant to the contrary notwithstanding. [*Passed October 12.*]

CHAPTER 260.

RESOLVE DIRECTING THE BOARD OF WAR TO SELL SALT.

Legislative
Records of the
Council,
xxxviii., 680.
Mass.
Archives,
ccxx., 11.

IT BEING REPRESENTED to this Court that there is in the hands of the Board of War a quantity of Salt more than will be wanted for the public use at present: Therefore

Resolved that the Board of War be and they hereby are directed to sell a quantity of said Salt, not exceeding Two thousand bushels, they to be accountable to the General Court for the proceeds thereof. [*Passed October 12.*]

CHAPTER 261.

RESOLVE RELATIVE TO PAY AND SUBSISTENCE OF COL^O CRAFTS' REGIMENT.

Legislative
Records of the
Council,
xxxviii., 679.
Mass.
Archives,
ccxx., 18.

Resolved that General Heath be, and he hereby is requested to pay and subsist Colonel Crafts' regiment at the expence of the Continent while they are doing duty under his command. [*Passed October 13.*¹]

CHAPTER 262.

RESOLVE ALLOWING ADDITIONAL PAY TO MEMBERS OF THE BOARD OF WAR.

Legislative
Records of the
Council,
xxxviii., 680.
Mass.
Archives,
ccxx., 12.

ON THE PETITION of the members of the Board of War, praying a further allowance for their services for reasons set forth in said Petition.

Resolved that there be allowed to each member of the Board of War Fifteen shillings per day for each day they shall attend said service, in addition to Twenty four shillings per day already allowed them, the said additional pay to commence from the date of this Resolve. [*Passed October 13.*²]

¹ This date is October 10 according to Legislative Records of the Council.

² This date is October 12 according to Legislative Records of the Council.

CHAPTER 263.

RESOLVE ALLOWING £2. 15^s 6^d EACH TO JOSEPH HARTWELL AND WILLIAM CLARK FOR SERVICE ON AN ALARM.

WHEREAS it appears that Joseph Hartwell and William Clark, both of Lunenburg, in the County of Worcester, were drafted from the militia of this State on the Alarm at Bennington and performed the service they were called upon to do, and were omitted to be made up in the pay roll by the mistake of Capt. Bellows, in whose company they were, and that there is due to said Hartwell and Clark the sum of Two pounds, fifteen shillings and six pence each: Therefore

Resolved that there be paid out of the public Treasury of this State to Joseph Hartwell and William Clark, the sum of Two pounds, fifteen shillings and six pence each, in full for the service performed by them at the Alarm at Bennington under the command of Capt. Joseph Bellows. [*Passed October 13.*]

Legislative
Records of the
Council,
xxxviii., 680.

CHAPTER 264.

RESOLVE DIRECTING MUSTER MASTERS TO DELIVER BLANKETS TO THE BOARD OF WAR.

Resolved that the Muster Masters for the several Counties within this State, be, and hereby are ordered to deliver to the Board of War all the Blankets they may have on hand, which they have received of the Selectmen of the several Towns within their respective Counties, taking duplicate receipts therefor, one of which to be lodged in the office of the Secretary of this State. [*Passed October 13.*]

Legislative
Records of the
Council,
xxxviii., 681.
Mass.
Archives,
ccxx., 15.
Mass.
Archives,
ccxx., 14.

CHAPTER 265.

APPOINTMENT OF FIELD OFFICERS OF THE 2ND WORCESTER COUNTY REGIMENT.

In the House of Representatives.

The House unanimously made choice of Silas Bailey, Lieutenant Colonel, Ebenezer Jones, first Major, William Greenleaf, second Major, of the second Regiment of Militia in the County of Worcester.

In Council

Read & Concurred. [*Passed October 13.*]

Legislative
Records of the
Council,
xxxviii., 681.
Mass.
Archives,
ccxx., 16.

CHAPTER 266.

RESOLVE ON THE PETITION OF JACOB BAILEY.

ON THE PETITION of Jacob Bailey, praying leave to depart from this State with his family and effects to some parts of Nova Scotia government.

Resolved that the prayer thereof be granted, and the said Jacob Bailey is hereby permitted to depart from this State with his

Legislative
Records of the
Council,
xxxviii., 681.

Mass.
Archives,
ccxx., 17.

Mass.
Archives,
clxxxiv., 193.

family and effects to Halifax in Nova Scotia Government; and all commanders of armed vessels belonging to this State are directed, and all commanders of such vessels belonging to the United States, or either of them, are desired to permit said Bailey, with his family and effects, to pass unmolested in his passage to Halifax aforesaid, agreeable to this Resolve. [*Passed October 13.*]

CHAPTER 267.

RESOLVE ON THE PETITION OF ELIZABETH WHITTINGTON.

Legislative
Records of the
Council,
xxxviii., 681.
Mass.
Archives,
ccxx., 22.

Mass.
Archives,
ccxx., 19.

ON THE PETITION of Elizabeth Whittington in behalf of her husband, W^m Whittington, praying that he may be liberated from his present confinement in goal, and be permitted to tarry in the Town of Boston to settle his accounts with several persons whose effects he had disposed of; and as he has taken and subscribed the Oath of Allegiance and Fidelity to the United States of America, in Philadelphia, that he may be permitted to tarry in this State with his family.

Resolved that the prayer of her Petition be so far granted, as that the said W^m Whittington may be liberated from his present confinement in goal, and that he have liberty to tarry in the Town of Boston fifteen days, in order to settle his accounts with such persons whose effects he has disposed of, and after that time he and his family return to Philadelphia agreeable to his request. [*Passed October 13.*]

CHAPTER 268.

RESOLVE ON THE PETITION OF DAVIS HATCH.

Legislative
Records of the
Council,
xxxviii., 681.
Mass.
Archives,
ccxx., 23.

Mass.
Archives,
ccxx., 24-27.

ON THE PETITION of Davis Hatch, praying that he might have liberty to enter and prosecute an appeal at the Superior Court, &c.

Resolved that the prayer of said Petition be granted, and that the said Davis Hatch be, and hereby is impowered to enter and prosecute his appeal in an action brought against him by one Thomas Gilpatrick, at the next Superior Court of Judicature, &c. to be held at Falmouth, in the County of Cumberland, for the Counties of Cumberland and Lincoln; and that the same proceedings be had on said appeal as though the appellant had regularly recognized. [*Passed October 13.*]

CHAPTER 269.

RESOLVE IMPOWERING SAMUEL BELKNAP, ADMINISTRATOR, TO EXECUTE A DEED.

Legislative
Records of the
Council,
xxxviii., 681.

Resolved that Samuel Belknap, Administrator to the estate of William Belknap deceased, be and is hereby impowered to re-convey to the heirs or administrators of the estate of Samuel Belknap deceased, and execute a good and lawful deed or deeds for the reconveyance of certain lands (mentioned and set forth in an obligation dated November 29, 1753, from William Belknap

to his father, Samuel Belknap, both now dead) as fully and absolutely as he, the said William, could or ought to do, if he and his father the said Samuel Belknap were now both living. [*Passed October 13.*]

Mass.
Archives,
ccxx., 29.

Mass.
Archives,
ccxx., 30.

CHAPTER 270.

-RESOLVE REVOKING A RESOLVE PASSED APRIL 30, 1778.

Resolved that the Resolution of the General Court which passed the 30th of April last, subjecting to military prosecution and punishment some of the good people of this State, be and hereby is revoked and declared null and void. [*Passed October 13.*]

Legislative
Records of the
Council,
xxxviii., 681.

Mass.
Archives,
ccxx., 31.

CHAPTER 271.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER THE CLOTHING FOR OFFICERS OF COL^O WIGGLESWORTH'S REGIMENT.

Resolved that the Board of War be, and they are hereby directed to deliver to John Kilby Smith, Adjutant, the Cloathing for the officers of Col^O Edward Wigglesworth's regiment, he giving his bond with sufficient sureties to the said Board of War for the payment of Two hundred eighty one pounds, within two months from the date hereof, which is the sum the said Kilby Smith asks credit for. [*Passed October 13.*]

Legislative
Records of the
Council,
xxxviii., 682.

Mass.
Archives,
ccxx., 32.

Mass.
Archives,
ccxx., 33.

CHAPTER 272.

RESOLVE ON THE PETITION OF MARIAN SELKRIGG.

ON THE PETITION of Marian Selkrigg, praying for liberty to go to Newport in the State of Rhode Island to procure a passage for herself and children to Scotland.

Resolved that Marian Selkrigg be, and hereby is permitted, with her two children, to depart from this State and go to Newport, provided she can obtain a passport of General Sullivan for that purpose. [*Passed October 13.*]

Legislative
Records of the
Council,
xxxviii., 682.

Mass.
Archives,
ccxx., 33.

Mass.
Archives,
ccxx., 34.

CHAPTER 273.

RESOLVE PERMITTING MARY TURELL, ADMINISTRATRIX, TO SELL REAL ESTATE.

ON THE PETITION of Mary Turell, of Boston, in the County of Suffolk, Administratrix of the estate of her late deceased husband, Joseph Turell, and de bonis non of the estate of John Thaiber deceased, praying that she may be empowered to sell a house, wharf and small lot of land in the South End of Boston aforesaid, part of the estate of the said John Thaiber, for the reasons set forth in her Petition; at the same time representing in her said Petition that the estate belongs to two heirs, one of which is of lawful age, the other a minor.

Resolved that the said Mary Turell be, and she hereby is im-

Legislative
Records of the
Council,
xxxviii., 682.

Mass.
Archives,
ccxx., 36.

Mass.
Archives,
ccxx., 37-39.

powered to make sale of one half of the house, wharf and small lot of land set forth in her petition, for the most the same will fetch; and make and execute a good deed or deeds of the same, she giving proper security to the Judge of Probate for the County of Suffolk, that the neat proceeds arising from said sale, after paying one half the debts due from the estate of the aforesaid John Thaiber, the remainder shall be improved for the use of, and when she arrives to lawful age paid to Susanna Turell, now a minor and legatee in the last will and testament of John Thaiber aforesaid. [*Passed October 14.*]

CHAPTER 274.

RESOLVE DIRECTING THOMAS CRANE, ESQ^r, TO REMOVE THE SALTPETRE AND SULPHUR AT STOUGHTON, ETC.

Legislative
Records of the
Council,
xxviii., 683.
Mass.
Archives,
ccxx., 40.

IT BEING REPRESENTED to this Court that there is now at or near the Powder Mill at Stoughton a large quantity of Saltpetre and Sulphur (the property of this State) which would be greatly exposed to loss or damage should any accident happen to the said Powder Mill; and it being further represented that there is at said Mill a large quantity of unmerchantable Powder: Therefore

Resolved that Thomas Crane, Esq^r, who has the care of said Powder Mill, be and he hereby is directed to remove the said Saltpetre and Sulphur, or the greatest part of it, to some safe place at a proper distance from said Powder Mill. And it is further

Resolved that the said Thomas Crane, Esq^r, be further directed without delay to proceed to remanufacture all the unmerchantable Powder now at said Mill, in order to have it fit for use, and whenever he shall have a quantity fit for use in the opinion of the Inspector, sufficient for one load, he is further directed to transport the same and deliver it at such place or Magazine as the Board of War shall direct. [*Passed October 14.*]

CHAPTER 275.

RESOLVE ON THE PETITION OF WILLIAM GARDINER.

Legislative
Records of the
Council, 683.
xxviii.,
Mass.
Archives,
ccxx., 53.
Mass.
Archives,
ccxx., 54.

ON THE PETITION of William Gardiner, praying for permission to go to New York, where his father, Silvester Gardiner now is, that he may obtain a number of original papers in his hands of great consequence to the said William Gardiner, and also papers relating to causes now pending in law.

Resolved that the prayer of the Petition be granted, and the said William Gardiner be and hereby is permitted to go to New York for the purpose set forth in his Petition; provided he takes the Oath of Fidelity and Allegiance prescribed by a law of this State, and that he give his parole that he will not do or say any thing detrimental to this or any of the United States of America, and that he will return to this State as soon as the business aforesaid is accomplished; and his Excellency General Washington is requested to grant a pass to the said Gardiner for the above-mentioned purpose. [*Passed October 14.*]

CHAPTER 276.

RESOLVE ALLOWING £15. 18^s 5^d EACH TO BISBEE CHANDLER AND HOWARD CHANDLER.

ON THE PETITION of Howard Chandler and Bisbee Chandler, praying for wages while on board the Brig Independence and while in captivity.

Resolved that there be allowed and paid out of the Treasury of this State to Howard Chandler, the sum of Fifteen pounds, eighteen shillings and five pence, in full for his wages on board said vessel and while in captivity; and also the sum of Fifteen pounds, eighteen shillings and five pence, be allowed and paid to Bisbee Chandler, in full for his wages on board said vessel and while in captivity. [*Passed October 14.*]

Legislative
Records of the
Council,
xxxviii., 684.
Mass.
Archives,
ccxx., 56.
Mass.
Archives,
ccxx., 57.

CHAPTER 277.

RESOLVE ON THE PETITION OF ANDREW GRAY.

ON THE PETITION of Andrew Gray, praying for liberty to depart from this State in a vessel bound to Cadiz.

Resolved that Andrew Gray, an inhabitant of Italy, now prisoner in this State, be and he hereby is permitted to take passage in a Dutch vessel now in this harbour and bound to Cadiz, he first giving his parole to procure the release of some American prisoner at Gibraltar or elsewhere of equal rank, and the Commissary of Prisoners is hereby directed to take his parole accordingly in writing. [*Passed October 14.*]

Legislative
Records of the
Council,
xxxviii., 684.
Mass.
Archives,
ccxx., 41.
Mass.
Archives,
ccxx., 43.

CHAPTER 278.

RESOLVE ALLOWING £1,520. 1^s 6^d TO THE SELECTMEN OF BOSTON.

UPON THE PETITION of the Selectmen of the Town of Boston, praying that their accounts for the expences of the State Hospital in said Town and the Hospital at Rainsford's Island may be paid.

Resolved that there be allowed and paid out of the public Treasury of this State the sum of Fifteen hundred and twenty pounds, one shilling and six pence, to the Selectmen of the Town of Boston, in full for such supplies for the Hospital at West-Boston and Rainsford's Island, as were exhibited by said Selectmen in their accounts bearing date June 11, 1778. And whereas it appears that the sum of Forty six pounds, sixteen shillings and four pence $\frac{1}{2}$ ^d, included in the above mentioned accounts of the Selectmen of Boston, was expended in taking care of a number of Continental soldiers who were sent to said Hospital:

Resolved that the said sum of Forty six pounds, sixteen shillings and four pence half penny, ought to be charged to the Continent; and the Treasurer of this State is directed to charge it accordingly. [*Passed October 14.*]

Legislative
Records of the
Council,
xxxviii., 684.

Legislative
Records of the
Council,
xxxviii., 684.
Mass.
Archives,
ccxx., 44.

Mass.
Archives,
clxix., 267.
Love's Fast
and Thanks-
giving Days
of New
England,
p. 504.

CHAPTER 279.

RESOLVE APPOINTING A DAY OF PUBLIC THANKSGIVING.

Resolved that the Major part of the Council be, and they hereby are requested to issue a Proclamation appointing Thursday, the 26th day of November next, as a day of Public Thanksgiving throughout this State. [*Passed October 14.*]

CHAPTER 280.

RESOLVE TO DISCONTINUE SUPPLIES FURNISHED BY COMMISSARIES TO TROOPS OF THE CONVENTION.

Legislative
Records of the
Council,
xxxviii., 684.
Mass.
Archives,
ccxx., 46.

WHEREAS it appears the continuing of Commissaries to supply the Convention Prisoners of Saratoga with West India goods, &c., is by no means expedient: Therefore

Resolved that the Commissaries appointed by this Court to supply the Prisoners of the Convention of Saratoga at Charlestown, Cambridge, Rutland or elsewhere, be and they hereby are directed immediately to stop such supplies, and offer to the Commissary General of this State all articles they may have on hand, and take his receipt for what he may receive; and if there be any articles which the Commissary does not want, they are hereby directed to sell them at auction and pay the balances which may then be due to this State into the Treasury and take receipts therefor, and have their accounts ready to deliver the first Wednesday of the next sitting of the General Court for a final settlement. [*Passed October 14.*]

CHAPTER 281.

RESOLVE ON THE PETITION OF RUTH DENNIS AND OTHERS.

Legislative
Records of the
Council,
xxxviii., 685.
Mass.
Archives,
ccxx., 50.

Mass.
Archives,
ccxx., 51, 52.

Resolved that there be and hereby is granted to the Widow Ruth Dennis and all the lawful heirs of John Dennis, Clerk, late of Ipswich, deceased, four hundred acres of the unappropriated lands of this State to the eastward of Saco River, adjoining to some other grant within said State, they returning a Plan thereof to this Court, taken by a surveyor and chainman under oath for that purpose, in one year from the date hereof; and the lands so laid out and returned to be in full satisfaction for all former grants, as well as for the cost and charges arising thereupon to the petitioners. [*Passed October 14.*]

CHAPTER 282.

RESOLVE ON THE PETITION OF SUSANNAH DASTUGE.

Legislative
Records of the
Council,
xxxviii., 685.
Mass.
Archives,
ccxx., 48.

Mass.
Archives,
ccxx., 49.

UPON THE PETITION of Susanna Dastuge, praying for leave to go to her husband at New York.

Resolved that the said Susanna Dastuge be, and she hereby is permitted to go to New York in the first Cartel. [*Passed October 14.*]

CHAPTER 283.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY STEPHEN SMITH, COMMISSARY AT MACHIAS, WITH PROVISIONS, ETC.

Resolved that the Board of War be, and they hereby are directed to supply Stephen Smith, Commissary at Machias, with Twenty one thousand five hundred and five pounds and an half of Pork; Six thousand nine hundred and thirty two pounds of Beef; Twenty seven thousand and thirty three pounds of Flour; Three thousand nine hundred and thirty one and an half pounds of Bread; Three thousand seven hundred and twenty two and a quarter pounds of Rice; Three hundred and eight gallons of Molasses; Four hundred and forty eight pounds of Butter or Hogsfat; and Fifty six bushels of Peas; to compleat the rations for the troops and Indians at Machias until the first day of December next; and if it is not in their power to furnish the quantity of Pork and Flour sufficient for that purpose, to supply the deficiency in Beef and Grain or Bread.

And that the said Board of War be, and they hereby are directed to supply the said Commissary with the Medicines for the use of the said troops, agreeable to the annexed schedule, and forward them as soon as conveniently may be, together with one box of Pipes, Three hundred weight of good Tobacco, one hogshead of Rum and one cask of small Wine, for the use of the Truck House at Machias. [*Passed October 15.*¹]

Legislative
Records of the
Council,
xxxviii., 658.
Mass.
Archives,
ccxx., 107.
Mass.
Archives,
ccxx., 109-125.

CHAPTER 284.

RESOLVE PERMITTING ISAAC JONES TO PROSECUTE AN APPEAL.

Resolved that Isaac Jones, of Weston, be, and he is hereby permitted to prosecute his appeal against the Committee of Correspondence, &c., of the town of Watertown, at the Superior Court to be held at Cambridge, in and for the County of Middlesex, the last Tuesday of October instant, agreeable to a Resolve of the General Assembly of the 24th of April last any thing in the Resolve of the General Court of the 22^d of June last to the contrary notwithstanding.

And be it further

Resolved that such necessary expence as shall be incurred by the Committee of Watertown, in the defence of the action against said Jones, shall be repaid them by this State in such way and manner as this Court may hereafter order. [*Passed October 15.*²]

Legislative
Records of the
Council,
xxxviii., 683.
Mass.
Archives,
ccxx., 78.
Mass.
Archives,
ccxx., 76-85.

CHAPTER 285.

RESOLVE ALLOWING BALANCE DUE THE COMMITTEE APPOINTED TO GO TO RHODE ISLAND.

UPON THE REPORT of the Committee of both Houses appointed by a Resolve of Court dated September 23, 1778, to repair to Providence in the State of Rhode Island to arrange the regiments

Legislative
Records of the
Council,
xxxviii., 683. /

¹ This date is October 2 according to Legislative Records of the Council.

² This date is October 14 according to Legislative Records of the Council.

Mass.
Archives,
ccxx., 60.

Mass.
Archives,
ccxx., 55-64.

of Colonels Wade and Jacobs and dismiss the supernumerary officers.

Resolved that the report be accepted and that there be allowed and paid to the said Committee, viz. Hon^{ble} Timothy Danielson Esq^r, Brigadier Lovell and Lemuel Kollock Esq^r, out of the Treasury of this State, the sum of Thirteen pounds fifteen shillings, in full for the ballance of their account of expences and for their services on said Committee; and that they be and hereby are discharged of the sum of One hundred pounds, which they received of the Treasurer of this State for that purpose. [*Passed October 15.*¹

CHAPTER 286.

RESOLVE FOR THE APPOINTMENT OF A COMPTROLLER OF THE LABORATORY.

Legislative
Records of the
Council,
xxxviii., 685.
Mass.
Archives,
ccxx., 65.

WHEREAS this Court did on the 28th day of April last, pass a Resolve for appointing a Commissary of Military Stores and regulating the Laboratory, which Resolve is insufficient to answer the end proposed:

It is therefore

Resolved that some person be appointed by joint ballot of both Houses as a Comptroller of the Laboratory; and the said Comptroller is hereby ordered and directed to take into his possession and care all the Military Stores and Ordnance of this State, except such as are necessary for the several Forts and Redoubts within the same; and the said Comptroller is further directed to take charge of the Laboratory of this State, superintend and carry on the works of the same; and the commanding officer of the regiment of Artillery in the service of this State, is hereby ordered and directed to furnish the said Comptroller with such and so many men as shall be necessary for making Cartridges and carrying on such other works as may be wanted in the said Laboratory; and whenever the regiment of Artillery, or any of the officers of Forts and Redoubts or of any Corps in the service and pay of this State, shall have occasion for Cartridges or any other Military Stores, they are directed to apply to the Hon^{ble} Council, who are requested to give orders for such quantities as they shall judge necessary.

And it is further

Resolved that the said Comptroller shall recommend to the Hon^{ble} Council some suitable person for a Master Fire-worker (who shall have commission for said purpose) and also appoint a Clerk for said Laboratory; and the said Comptroller shall be accountable for such Stores and Military apparatus as he shall from time to time receive; and shall take receipts for all such Stores and apparatus as may be ordered out by the Hon^{ble} the Major part of the Council, and make return of them from time to time as they may order and direct; and the said Comptroller to be under the direction of the Hon^{ble} the Major part of said Council. The said Comptroller shall have the rank, pay and rations of a Colonel; the Master Fire-worker of a Captain, and the Clerk of a first Lieutenant of Artillery. [*Passed October 15.*¹

\ ¹ This date is October 14 according to Legislative Records of the Council.

CHAPTER 287.

RESOLVE DIRECTING THE COMMITTEES APPOINTED TO DETERMINE DISPUTES BETWEEN TOWNS TO MAKE IMMEDIATE RETURNS OF THEIR DOINGS.

WHEREAS the Committees of the several Counties of Hampshire, Berkshire, Plymouth, Bristol, York, Cumberland and Lincoln, who were appointed by a Resolve of the Great and General Court of this State of the 29th of April last, to hear and determine all disputes between the several towns and companies within their respective Counties, arising from returns made into the Secretary's Office, as the seventh part of their male inhabitants for the Continental Army have not made any returns of their doings: Therefore

Legislative
Records of the
Council,
xxxix., 1.
Mass.
Archives,
ccxx., 73.

Resolved that the said Committees be, and they hereby are enjoined and earnestly called upon, as they tender the Welfare of their Country, the Honor of this State and the inviolable Laws of Equity, to make immediate returns into the Secretary's Office of all such original returns as they may now have in their hands, together with their doings thereon, that so this Court may be enabled to fulfill their engagements to the public and do justice to each town in the State.

Resolved that the President of the Council be desired to sign the following Letter and cause a fair copy of the same to be transmitted to each of the Committees aforesaid.

Gentlemen,

You being appointed by a Resolve of the Great and General Court of this State of the 29th of April last, a Committee to hear and determine all disputes arising from returns made into the Secretary's Office, between the several towns and companies within the County of _____ I am ordered by the General Court to call upon you immediately to inform said Court, by making return into the Secretary's Office, whether you have acted in consequence of your appointment; whether you have received any original returns of the men engaged in the Continental Army for this State out of the Secretary's Office, and what your doings thereon have been; and transmit said original returns as soon as may be into said Office.

Hereof you will not fail, it being a matter of the greatest importance, in which the Welfare, Honor and Safety of this State are nearly interested, as you will readily perceive by the Resolves which I am herewith ordered to transmit to you.

President.

} Committee for
} the County
} of

And whereas the Committee appointed by a Resolve of the General Court of this State of the 17th of June last, to hear and determine disputes arising between towns in different Counties, find it impracticable for them to proceed in the important business assigned them, by reason of the aforesaid returns being kept back, and the time first assigned for their meeting being already elapsed: Be it therefore

Resolved that the said Committee be, and they hereby are ordered and directed to meet on the first Tuesday of January next, at the State House in Boston, at 10 o'Clock A.M. for the

purpose mentioned in the said Resolve of the 17th of June last, and make return of their doings into the Secretary's Office by the first Tuesday of February next.

Resolved that such Committees as have received any returns as aforesaid and have not acted in consequence thereof, be and hereby are impowered and directed to proceed thereon as, in and by the Resolve aforesaid is directed, and make returns of their doings into the Secretary's Office on or before the first Tuesday of January next.

And be it further

Resolved in case any of the Committees of the Counties above-mentioned, who were appointed by the said Resolve of the 29th of April last, have not been furnished with authentic original returns of the number of men engaged in the Continental Army for this State; and where such returns cannot otherwise be obtained, that in such case, the said Committees be, and they hereby are authorized and directed to call upon the Militia officers of every rank, and upon the Selectmen, where there are no Militia officers, to make immediate returns to them, the said Committees respectively, of all the men engaged in the Continental Army; in the same manner as the Committees appointed by a Resolve of the 3^d of February last, for the purpose of procuring such returns, were authorized and directed to do, and when said returns are thus obtained, to proceed agreeable to the foregoing Resolve. [*Passed October 15.*]

CHAPTER 288.

RESOLVE DISCHARGING THE COMMITTEE ON ACCOUNTS OF £10,000.

THE COMMITTEE of both Houses appointed to examine the accounts of the Committee chosen the 30th of May last to concur and pay accounts, have attended that service and beg leave to report, viz^t

Your Committee find upon the last settlement of the said Committee's accounts the 7th of October last, there was a balance due to them the 1st of June last in the sum of Thirty pounds, ten shillings and nine pence, two farthings, since which the said Committee have received in June and July last by two warrants on the Treasurer of this State Ten thousand pounds.

And your Committee find by vouchers produced and allowed by the Committee of the House and concurred and paid by the Committee of the Board, the sum of Nine thousand nine hundred and sixty seven pounds, eleven shillings and seven pence, three farthings, which with the balance of Thirty pounds, ten shillings due to the said Committee on the last settlement as above, leaves a balance in the hands of the said Committee of One pound, seventeen shillings, six pence, three farthings, which they are yet accountable for.

And your Committee further report as their opinion, that the Committee for paying Accounts have accounted for the above sum of Ten thousand pounds received of the Treasurer of this State last June and July (excepting the above £1.17^s.6^d.4^d) and ought to be discharged of said sum; and your Committee beg leave to report the following Resolve, which is submitted.

BENJ. AUSTIN *p* order.

Resolved that the Committee of Council chosen to receive, examine and pay accounts for service done in consequence of a Resolve of the General Court the 30th of May, 1778, viz^t Jabez

Legislative
Records of the
Council,
xxxix., 3.
Mass.
Archives,
ccxx., 86.

Mass.
Archives,
ccxix., 287, 389.

Fisher, Benjamin White and Daniel Davis, Esq^{rs}, be, and they are hereby discharged of the sum of Ten thousand pounds, excepting a balance of Thirty seven shillings and six pence, three farthings, which they are yet to account for.

In Council

Read and accepted.

In the House of Representatives

Read and concurred. [*Passed October 15.*]

CHAPTER 289.

RESOLVE DIRECTING THE AGENTS FOR CERTAIN COUNTIES TO FORWARD CLOTHING TO THE FIFTEEN CONTINENTAL BATTALIONS AND OTHER REGIMENTS.

Resolved that each non-commissioned officer and private soldier, who is engaged for three years or during the war, in either of the fifteen battalions raised by this State as our Quota of the Continental Army; and to each non-commissioned officer and private belonging to this State, who is engaged for said term of time in Colonels Crane's, Lee's, Henley's and Jackson's regiments and Stevens' corps, shall receive from this State one shirt, one pair of shoes and one pair of hose gratis, in addition to those heretofore given them.

Legislative
Records of the
Council,
xxxix., 3.
Mass.
Archives,
ccxx., 88.

Resolved that the Agents for the Counties of Worcester, Hampshire and Berkshire, appointed to procure Cloathing for the army by a Resolve passed the 17th of June last, be and they are hereby directed to send forward all the Cloathing assigned to their Counties respectively by s^d Resolve to Head Quarters, and deliver the same to M^r Levi Shepard, Commissary for this State, taking receipts for the quantity of each article they shall so deliver; and that the Agents for the Counties of Plymouth, Bristol and Barnstable, appointed by the Resolve and for the purpose aforesaid, be and they are hereby directed to send forward the Cloathing assigned their respective Counties by said Resolve to the State of Rhode Island and deliver the same to said Levi Shepard or his Deputy taking the proper receipts.

And the said Shepard or his Deputy is hereby directed to deliver to the Paymaster of each of the abovementioned regiments and said Stevens' corps so many shirts and also so many pairs of shoes and stockings, as there are non-commissioned officers and privates to be supplied as above ordered taking receipts; and said Paymasters shall deliver one pair of shoes, one pair of stockings and one shirt, gratis, to each non-commissioned officer and private as above expressed, taking each man's receipt; said Paymasters to account with said Commissary Shepard for the delivery of the Cloathing to the soldiers.

And in case the Cloathing which said Shepard shall receive in pursuance of this Resolve, together with what he has now on hand or may receive in pursuance of a Resolve of the 13th of March last for supplying our soldiers with Cloathing, shall be insufficient to supply each soldier as above:

Ordered that then the said Shepard shall draw on the Board of War of this State for such quantities as will make up the deficiency, which drafts the Board of War are hereby directed to answer.

And it is further

Resolved that the Agents for the several Counties in this State (excepting those who are otherwise ordered by this Resolve) be, and they are hereby directed to transport the Cloathing which

they have or shall procure in pursuance of said Resolve of the 17th of June last, to such place or places as the Board of War shall direct taking proper receipts.

And it is also

Resolved that the said Levi Shepard be, and he is hereby further ordered to make sale of such Watch-coats, Breeches and Blankets which he has on hand, being the property of this State, to those soldiers belonging to this State, who in the opinion of their respective Brigadiers stand most in need of them. [*Passed October 15.*]

CHAPTER 290.

RESOLVE ON THE PETITION OF REV. SAMUEL KIRKLAND.

Legislative
Records of the
Council,
xxxix., 5.
Mass.
Archives,
ccxx., 94.

ON THE PETITION of Samuel Kirkland, Missionary among the Indians called the Six Nations.

Resolved that the said Kirkland be, and he hereby is exempted from all future taxes for his poll and estate, both real and personal, in his own immediate improvement in the Town of Stockbridge, during his being a Missionary as aforesaid; and that the amount of the said Kirkland's estate, as returned in the present valuation of the said town, be deducted from the said valuation, and that taxes on said town shall be apportioned accordingly.

Resolved that the Board of War be, and they hereby are directed to furnish the said Kirkland (as an acknowledgement of his faithful, persevering exertions in the cause of his country) with such articles as he shall request and they can spare, to the amount of Two hundred pounds, and to take no pay for the same. [*Passed October 15.*]

CHAPTER 291.

APPOINTMENT OF HON^{BLE} ELEAZAR BROOKS, ESQ^R, AS A BRIGADIER.

Legislative
Records of the
Council,
xxxix., 5.
Mass.
Archives,
ccxx., 90.

In the House of Representatives

The House made choice by ballot of the Hon^{ble} Eleazer Brooks, Esq^r., as Brigadier of the Militia in the County of Middlesex, in the room of the Hon^{ble} Oliver Prescott, Esq^r, chosen third Major General.

In Council

Read and concurred. [*Passed October 15.*]

CHAPTER 292.

RESOLVE DIRECTING AGENTS ON ABSENTEES' ESTATES TO RENDER ACCOUNTS TO THE GENERAL COURT.

Legislative
Records of the
Council,
xxxix., 5.
Mass.
Archives,
ccxx., 91.

Resolved that where any Agents have been appointed to the estates of Absentees, or where no Agents have been appointed, the Committees who have had the care of such estates by virtue of any of the Laws or Resolves of this State, lay before the General Assembly at their next session, an account of the several estates under their care, whether real or personal, expressing according to their best judgment, the value of such real and the value of such personal estate, and the amount of such debts as have been ex-

hibited against such estates and of such sums of money as they have received for the income of such estates; and that in the meantime none of the real estates of such Absentees be sold for the payment of their debts. [*Passed October 15.*]

CHAPTER 293.

RESOLVE RELATIVE TO ATTENDANCE OF DELEGATES IN CONGRESS.

Resolved that it is expedient for four at least of the Delegates of this State at all times to attend their duty in Congress and the Delegates from this State are hereby directed to govern themselves accordingly; and the Secretary is hereby directed to furnish each of them with a copy of this Resolve. [*Passed October 15.*]

Legislative
Records of the
Council,
xxxix., 6.
Mass.
Archives,
ccxx., 92.

CHAPTER 294.

RESOLVE ALLOWING £12,000 TO THE COMMITTEE FOR SUPPLYING SMALL STORES.

Resolved that there be paid out of the public Treasury of this State to Caleb Davis, Esq^r, and others, a Committee for supplying that part of the Continental Army raised in this State with Small Stores, the sum of Twelve thousand pounds, to enable them to execute the business committed to them, they to be accountable for the sums they shall respectively receive. [*Passed October 15.*]

Legislative
Records of the
Council,
xxxix., 6.
Mass.
Archives,
ccxx., 95.

CHAPTER 295.

RESOLVE FOR REPAIRING THE MANUFACTORY HOUSE.

It having been represented to this Court that a certain building in the Town of Boston, called the Manufactory House, belonging to this State, is in want of repair: Therefore

Resolved that the Committee appointed to make such repairs as may be necessary upon the building called the Province House, be directed and impowered to examine into the present situation of the said Manufactory House and make such repairs upon the same as may be absolutely necessary. [*Passed October 15.*]

Legislative
Records of the
Council,
xxxix., 6.
Mass.
Archives,
ccxx., 93.

CHAPTER 296

INSTRUCTIONS TO THE DELEGATES IN CONGRESS.

WHEREAS the Hon^{ble} John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovel, Samuel Holton and Timothy Edwards, Esquires, are chosen and appointed to represent this State in the American Congress for one year, to commence on the first day of January next ensuing:

Resolved that the abovenamed Gentlemen, or any three of them, be and they are hereby fully impowered with the Delegates, who are or may be appointed from the other American States, to concert, direct and order such further measures as shall to them

Legislative
Records of the
Council,
xxxix., 7.
Mass.
Archives,
ccxx., 98.

appear best calculated for the establishment of Right and Liberty to the American States, upon a basis permanent and secure against the power and art of the British Administration; for prosecuting the present War, concluding Peace, contracting Alliances, establishing Commerce and guarding against any future encroachments and machinations of their Enemies; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

And the Secretary is hereby directed as soon as may be to signify to each of those Gentlemen their appointment by furnishing each with an attested copy of this Resolve. [*Passed October 15.*]

CHAPTER 297.

RESOLVE ALLOWING £18 TO LAWRENCE LYNCH.

Legislative
Records of the
Council,
xxxix., 8.

Resolved that there be paid out of the Treasury of this State to Lawrence Stynch [Lynch] of Stockbridge, the sum of Eighteen pounds, in full for his services in carrying packs and baggage for Capt. David Pixley's company of militia, who marched to reinforce the Northern Army in July, 1777. [*Passed October 15.*]

CHAPTER 298.

RESOLVE DIRECTING SELECTMEN TO PAY MILEAGE TO OFFICERS AND SOLDIERS DETACHED FOR SERVICE OR WHO MARCHED ON ALARMS.

Legislative
Records of the
Council,
xxxix., 8.
Mass.
Archives,
ccxx., 101.

WHEREAS there are several Resolves of this Court making an establishment for Mileage to be paid the militia officers and soldiers, who have at different times been detached, or have marched on an Alarm, in which Resolves there are no directions in what manner the said Mileage shall be paid, whereby great inconveniences have arisen:

Resolved that the Selectmen of any Town from whence any militia officers or soldiers hath been detached or marched as aforesaid, be and they hereby are directed to pay to such officers and soldiers, who have not already received the same, the several sum or sums of money due to them for Mileage, agreeable to the several establishments made by this Court therefor; and that the said Selectmen lay their accounts with the proper vouchers before the Committee of this Court for payment, expressing in their accounts, the number of men; the number of miles marched; the names of the places to and from which they marched; together with the date of the Resolve of Court, Order of Council, or if on an Alarm, the occasion thereof, with the date of the orders received from the commanding officer, in consequence of which they marched.

And all officers in any future detachments are directed to make up the Mileage of their companies to be allowed them in their rolls. [*Passed October 15.*]

CHAPTER 299.

RESOLVE ON THE PETITION OF WILLIAM PALFREY, ESQ^R.

Resolved that William Palfrey, Esq^r, take into his possession a dwelling house in Boston, situated near the new Court House, and appropriate the income of said house to the use of the only daughter of Andrew Cazneau, an Absentee, as said daughter is heir at law of said dwelling house in right of her mother, Hannah Cazneau, late of Boston, deceased; giving proper security to the Judge of Probate of the County of Suffolk that the income thereof be appropriated to the use of said minor. [*Passed October 15.*]

Legislative
Records of the
Council,
xxxix., 8.
Mass.
Archives,
ccxx., 96.
Mass.
Archives,
ccxx., 97.

CHAPTER 300.

RESOLVE ON THE PETITION OF AMOS MANSFIELD.

ON THE PETITION of Amos Mansfield, setting forth that he was drafted to serve in the militia of this State in September, 1776, against the enemies of the United States, and that while in said service as a waggoner, he lost a leg, and praying some compensation for his loss of time, expences, &c., agreeable to his account exhibited with said Petition.

Resolved that there be allowed and paid out of the public Treasury of this State, to the said Amos Mansfield, the sum of Seventy seven pounds, eighteen shillings, in full of his account and that the same be charged to the Continent. [*Passed October 15.*]

Legislative
Records of the
Council,
xxxix., 9.

CHAPTER 301.

RESOLVE ON THE PETITION OF THE SELECTMEN OF AMHERST.

ON THE PETITION of Moses Dickinson and others, Selectmen of Amherst, respecting an action brought against David Blodgett, Constable of that Town, by Simeon Strong, Esq^r, and now supposed to be pending at the Superiour Court.

Resolved that the said Simeon Strong be notified by having an attested copy of this Resolve left by the petitioners at the usual place of his abode ten days before the next session of this Court, to shew cause, if any he have, on the second Wednesday of said session, why the prayer of said Petition should not be granted, and that no further proceedings be had on said action, if it be still pending; and if judgment has been rendered thereon in favour of said Strong, that the same be not served until the end of the next session of this Court. [*Passed October 15.*]

Mass.
Archives,
ccxxi., 362.
Mass.
Archives,
ccxxi., 363.

CHAPTER 302.

RESOLVE ON THE PETITION OF THE PROPRIETORS OF PLANTATION NO. 5 IN HAMPSHIRE COUNTY.

WHEREAS the Proprietors of the Plantation called Number Five, in the County of Hampshire, have preferred a Petition to this Court, praying that they may be incorporated into a town; also

Mass.
Archives,
ccxx., 103.

Mass.
Archives,
ccxx., 104, 105.
Maps and
Plans,
xxxvii., 23.

praying that part of the Plantation called Hatfield Equivalent might be annexed to said proposed town for reasons set forth in said Petition:

Therefore

Resolved that the prayer of said Petition be so far granted, as that the petitioners have liberty to notify the inhabitants of the Plantation called Hatfield Equivalent, by serving three of the principal persons of said inhabitants with an attested copy of said Petition and this Order thereon, fourteen days before the next sitting of the General Court, that they may shew cause (if any they have) why the prayer of said Petition should not be granted. [*Passed October 15.*]

CHAPTER 303.

RESOLVE PROVIDING THAT £800 BE ADVANCED TO EACH OF THE DELEGATES IN CONGRESS.

Legislative
Records of the
Council,
xxxix., 7.
Mass.
Archives,
ccxx., 151.

Resolved that there be advanced and paid out of the Treasury of this State to each of the Delegates appointed to represent this State in Congress for the year One thousand seven hundred and seventy nine, the sum of Eight hundred pounds each, to be paid to such of said Delegates as are now in this State on their respective applications therefor; and the honorable Council are hereby desired to transmit or cause to be transmitted to such of said Delegates as are now at Congress, the aforesaid sum of Eight hundred pounds each, by bills or otherwise as may be most convenient.

And it is further

Resolved that said sums so advanced shall be considered as part of their pay and allowance for their services and expences in attending at Congress for said year, they to be accountable for the same. [*Passed October 16.*¹]

CHAPTER 304.

RESOLVE PROVIDING FOR ADDITIONAL ALLOWANCES TO COL^O CRAFTS' REGIMENT.

Legislative
Records of the
Council,
xxxix., 9.
Mass.
Archives,
ccxx., 144.

WHEREAS it appears to this Court that the present pay of the officers and soldiers in Col^O Crafts' regiment of artillery is inadequate for their support, by reason of the advanced prices of the necessities of life: Therefore

Resolved that the Board of War be, and they hereby are directed to deliver to each officer and soldier in said regiment the same quantity of Cloathing, and on the same terms, which the officers and soldiers in the Continental battalions raised in this State are intitled to receive.

And it is further

Resolved that the Commissary of this State be, and he hereby is directed to supply the field officers of said regiment to the amount of Two pounds, ten shillings per month each; the Captains to the amount of thirty five shillings per month each; the subalterns and staff officers to the amount of thirty shillings per month each; and the non-commissioned officers and private soldiers to the amount of twenty shillings per month each; in articles of the

¹ This date is October 15 according to Legislative Records of the Council.

necessaries of life, they paying for the same at the prices set in the late Act for regulating the prices of such articles; to be continued until the further order of the General Court. [*Passed October 16.*]

CHAPTER 305.

RESOLVE APPOINTING A COMMITTEE TO SUPERVISE, NUMBER AND SIGN BILLS OF CREDIT.

WHEREAS the Act passed the present session of this Court for drawing in and sinking the Bills of Public Credit issued by this State, under the denomination of six shillings, and for emitting other Bills in their stead, makes no provision for striking off, numbering and signing said Bills:

Resolved that Thomas Dawes, George Partridge, John Greenough, Richard Cranch and Jonathan Brown, Esq^{rs}, be, and they are hereby appointed a Committee to cause the Plate mentioned in said Act to be properly prepared and suitable paper provided, and the Bills to be struck off under the inspection of one of said Committee, to number and sign said Bills, and to pay them to the Treasurer of this State according to said Act, and lodge the Plate when the Bills are compleated with the Treasurer; said Committee to be under oath for the faithful discharge of their duty; each Bill to be signed by only one of said Committee. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxix., 11.
Mass.
Archives,
ccxx., 142.

CHAPTER 306.

RESOLVE RECTIFYING A MISTAKE IN THE TAX SET ON THE TOWN OF TEWKSBURY.

WHEREAS it appears to this Court that by some mistake there was set on the Town of Tewksbury, in the County of Middlesex, Two hundred pounds in each of the two last Tax Acts more than their proportion of said taxes:

Resolved that the Treasurer of this State be, and he is hereby directed to send his warrant directing the Assessors of the said Town of Tewksbury to assess the polls and estates in said town, agreeable to the last Tax Act for the sum of Three hundred and forty five pounds, one shilling and two pence, instead of Seven hundred and forty five pounds, one shilling and two pence, that was set on said Town in said Act. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxix., 11.
Mass.
Archives,
ccxx., 130.
Mass.
Archives,
ccxx., 131.

CHAPTER 307.

RESOLVE GRANTING £3,500 TO MOSES GILL, ESQ., AND OTHERS.

ON THE REPRESENTATION of the Hon^{ble} Moses Gill, Esq^r, and others, Committee for Fortifying, &c.

Resolved that there be paid out of the Public Treasury of this State to the said Moses Gill, Esq^r, and others, Committee as aforesaid, the sum of Three thousand five hundred pounds, to enable them to discharge the debts due to artificers and labourers employed by them for said purpose of fortifying, they being accountable for the same. Also

Resolved that said Committee be, and hereby are directed to discharge the labourers employed in said business on the first day of November next. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxix., 11.
Mass.
Archives,
ccxx., 143.
Mass.
Archives,
ccxx., 149.

CHAPTER 308.

Legislative
Records of the
Council,
xxxix., 11.
Mass.
Archives,
ccxx., 147.

RESOLVE ALLOWING £10,000 TO THE COMMITTEE ON ACCOUNTS.

Resolved that there be allowed and paid out of the public Treasury the sum of Ten thousand pounds to the Committee on Accounts, to enable them to pay such accounts as by them shall be allowed, they to be accountable. [*Passed October 16.*]

CHAPTER 309.

RESOLVE VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS.

Legislative
Records of the
Council,
xxxix., 12.
Mass.
Archives,
ccxx., 141.

WHEREAS it may be of great public utility that until the next sitting of the General Court certain powers should be vested in the Council other than those with which they are ordinarily clothed:

Therefore

Resolved that the Hon^{ble} Council, until the next sitting of the General Court, be and hereby are fully authorised and empowered to nominate and appoint, as occasion may require, such commissioned officers in any of the land forces, armed vessels or vessels of war, in the service and pay of this State, and also in the Militia, whose places by death or otherwise are, or may in the recess of the General Court become vacant, as to them shall appear fit and necessary, and put them under the command of such officer or officers as they shall judge proper.

And it is

Resolved that the Council be, and they hereby are also authorized and empowered to treat and conclude Treaties of Amity and Friendship with any Indians that may arrive in this State, and make such provision for them as they may judge proper. And it is further

Resolved that the major part of the Council shall have full power and authority to examine, allow and pass upon the pay rolls of the Sea Coast men and their Commissaries accounts; and also of the pay rolls of the Militia, who may have been in service, any Act or Resolve to the contrary notwithstanding. Also

Resolved that the Hon^{ble} Council be, and they hereby are empowered to convene the Great and General Court or Assembly, at an earlier day than that to which it shall next be adjourned or prorogued, if they shall judge the public service requires it. And it is further

Resolved that the Hon^{ble} Council be, and they hereby are authorized and empowered to grant permits to any inhabitants of the Province of Nova Scotia for the transportation of themselves and effects into this State, who are and have been firmly attached to the American Cause, any law or resolve to the contrary notwithstanding. [*Passed October 16.*]

CHAPTER 310.

RESOLVE PROVIDING FOR THE PAYMENT OF SUPERNUMERARY OFFICERS.

Resolved that the Committee on Muster Rolls be, and they are hereby directed to receive and examine the pay rolls of the supernumerary officers of Wade's and Jacob's regiments upon the establishment for the year 1778, and allow them pay, as well Continental as that which they are intitled to by virtue of the several Acts and Resolves of this Court for raising and compleating said regiments, from the date of their commissions to the time of their discharge; also the pay rolls of the other supernumerary officers detached from the militia to compleat said regiments, and all other supernumerary officers discharged as aforesaid, and allow them pay as aforesaid from the time of their being so detached to the time of their discharge. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxix., 13.
Mass.
Archives,
ccxx., 139.

CHAPTER 311.

RESOLVE ON THE PETITION OF THE SELECTMEN OF CONWAY.

ON THE PETITION of the Selectmen of the Town of Conway, praying that the assessments that have been made on the inhabitants of said Town upon the valuation taken last November, viz. the State Tax, Continental Tax, Town and Ministerial Rates, be established as they now stand, notwithstanding said assessments were not made strictly according to the letter of the law for the reasons set forth in said Petition. Therefore

Resolved that the prayer of said Petition be granted, and the aforesaid assessments made on the inhabitants of the Town of Conway be established to all intents and purposes, any law to the contrary notwithstanding. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxix., 13.
Mass.
Archives,
ccxx., 137.
Mass.
Archives,
ccxx., 138.

CHAPTER 312.

RESOLVE ALLOWING £600 TO THOMAS CRANE, ESQ^R.

Resolved that there be paid out of the public Treasury to Thomas Crane, Esq^r, the sum of Six hundred pounds, to enable him to carry on the manufacture of Gun Powder at the Powder Mill at Stoughton, he to be accountable to this Court for the same. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxix., 14.
Mass.
Archives,
ccxx., 150.

CHAPTER 313.

RESOLVE ON THE PETITION OF EZRA FELLOWS AND OTHERS.

THE COMMITTEE of both Houses appointed to consider the Petition of Ezra Fellows and other inhabitants of the County of Berkshire, report the following Resolve.

D. HOPKINS by Order.

Resolved that Samuel Niles and Eleazer Brooks, Esq^{ts}, with such as the Hon^{ble} House may join, be a Committee to repair to

Legislative
Records of the
Council,
xxxix., 14.
Mass.
Archives,
ccxx., 132.

Mass.
Archives,
ccxx., 134,
462-464.

Pittsfield in the County of Berkshire on the 17th day of November next, there to enquire into the state of their grievances and endeavour to remove them; and for this purpose that the several Towns and Plantations in the said County be served with a copy of this Resolve by the Sheriff of the said County, who is hereby directed to send one of the same to the Town Clerk of each Town, and to post up one thereof in some public place in each Town and Plantation in said County; to the end that the [several]¹ Towns, and Plantations aforesaid, if [they see]¹ fit, may send one or more [persons to confer with the]¹ said Committee; and the said Committee are hereby directed to inform the good people of that County, that the General Assembly have chosen a Committee to consider what is necessary to be done towards forming a new Constitution of Government, and that they have no doubt the same will be taken up at the next session of this Court; and that the first mentioned Committee make report of their doings to the General Court as soon as may be.

In Council

Read and accepted.

In the House of Representatives

Read and concurred and Seth Washburn, John Bliss and Thomas Crane, Esq^{rs}, are joined. [*Passed October 16.*]

CHAPTER 314.

Legislative
Records of the
Council,
xxxix., 14.
Mass.
Archives,
ccxx., 129.

RESOLVE APPOINTING COL LOAMMI BALDWIN AND MR. LEMUEL KOLLOCK ON THE COMMITTEE ON ACCOUNTS.

Resolved that Col^o Loammi Baldwin and M^r Lemuel Kollock be of the Committee on Accounts in the room of George Partridge and John Greenough, Esq^{rs}, excused. [*Passed October 16.*]

CHAPTER 315.

RESOLVE APPOINTING COL^o EBENEZER WHITE COMMISSARY TO THE TROOPS AT ROCHESTER AND WAREHAM.

Legislative
Records of the
Council,
xxxix., 14.
Mass.
Archives,
ccxx., 126.

Resolved that Col^o Ebenezer White be and he hereby is appointed Commissary to the troops stationed at the Towns of Rochester and Wareham, which Commissary is hereby directed to supply the aforesaid troops, agreeable to their establishment until the further order of this Court. And it is further

Resolved that there be paid out of the public Treasury of this State to the aforesaid Ebenezer White, the sum of Two hundred pounds, he to be accountable to the General Court for the same. [*Passed October 16.*]

¹ Text inserted from Legislative Records of the Council.

CHAPTER 316.

RESOLVE ON THE PETITION OF PHINEHAS ROSE.

Resolved that there be paid out of the Treasury of this State to the said Phinehas Rose, the sum of Five pounds, thirteen shillings, in full for his wages from July the seventh, being the time of his being taken prisoner by the enemy at Ticonderoga, to September 29th, being the time of his return to his own home. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxix., 15.
Mass.
Archives,
cxxxiv., 10.
Mass.
Archives,
cxxxiv., 9.

CHAPTER 317

RESOLVE APPOINTING THE COMMITTEE ON ACCOUNTS TO EXAMINE CLOTHING ACCOUNTS OF SELECTMEN, ETC.

Resolved that the Committee on Accounts be, and they are hereby appointed a Committee to examine the accounts of Selectmen of Towns and Committees of Plantations for Cloathing by them procured, as soon as such accounts shall be lodged in the Secretary's Office by the Agents for procuring Cloathing, agreeable to a Resolve of the General Court passed the 17th day of June last. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxix., 15.
Mass.
Archives,
ccxx., 123.

CHAPTER 318.

RESOLVE PERMITTING ABIGAIL HINGSTON TO GO TO NEW YORK.

Resolved that Abigail Hingston be and hereby is permitted to go to her husband at New York in the next Cartel. [*Passed October 16.*]

Legislative
Records of the
Council,
xxxix., 12.
Mass.
Archives,
ccxx., 140.
Mass.
Archives,
ccxx., 271.

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SIXTH DAY OF JANUARY, A.D. 1779.

Legislative
Records of the
Council,
xxxix., 21.
Mass.
Archives,
ccxx., 166.

CHAPTER 319.

RESOLVE PERMITTING SUSANNAH DASTUGE TO GO TO NEW YORK.

UPON THE PETITION of Susannah Dastuge, praying for leave to go to her husband at New York.

Mass.
Archives,
ccxx., 48, 49,
167. Legislative
Records of the
Council,
xxxviii., 685.

Resolved that the said Susannah Dastuge be and she hereby is permitted to go to her husband at New York by sea or land, as may be most convenient to her, she submitting such papers as she may carry to the inspection of the Committee of Correspondence for the Town of Boston. [*Passed January 7.*]

CHAPTER 320.

ADDITIONAL RESOLVE RESPECTING THE SALE OF FIREARMS.

Legislative
Records of the
Council,
xxxix., 22.
Mass.
Archives,
ccxx., 165.

WHEREAS the time is expired in which the Board of War were directed by a Resolve of this Court of the 9th of October last, to sell Fire Arms to the several Towns and Plantations in this State, and it being represented to this Court that many of said Towns and Plantations have not received their quota: Therefore

Mass.
Archives,
ccxxxv., 1.

Resolved that the Board of War be and they hereby are directed to continue the sale of said Fire Arms, agreeable to the direction in said Resolve, to the Selectmen, Committees or Representatives of such Towns or Plantations, until the first day of April next, any thing in said Resolve of October 9th, 1778, to the contrary notwithstanding. [*Passed January 7.*]

CHAPTER 321.

RESOLVE ON THE PETITION OF CORNELIUS DURANT.

Legislative
Records of the
Council,
xxxix., 22.
Mass.
Archives,
ccxx., 163.

ON THE PETITION of Cornelius Durant, praying for liberty to export Seventy hogsheads of Fish to the West Indies.

Mass.
Archives,
ccxiv., 118;
ccxx., 162-164.

Resolved that the prayer of said Petition be granted, and that the Naval Officer for the Port of Boston be and he hereby is directed to clear out the Snow Andromecha with Seventy hogsheads of Fish on board, bound to a neutral port in the West Indies, said Fish belonging to the said Cornelius Durant, it appearing by a certificate that said Fish was unfit for home consumption, the Embargo on Provisions notwithstanding. [*Passed January 7.*]

CHAPTER 322.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER SHOES, STOCKINGS, ETC., TO THE CORPS OF INVALIDS.

WHEREAS there are in the Corps of Invalids now in this State a number of soldiers who are intitled to receive the Shirts, Shoes and Stockings, according to a Resolve of Court dated October 15, 1778, but no provision is made for the delivery thereof:

Legislative
Records of the
Council,
xxxix., 22.
Mass.
Archives,
ccxx., 158.
Mass.
Archives,
ccxx., 159.

Resolved that the Board of War be, and they are hereby directed to deliver to each non-commissioned officer and private soldier belonging to the said Corps of Invalids, and who were originally inlisted from this State for three years or during the war, or their order, one pair of Shoes, one pair of Stockings and one Shirt, provided that it shall appear to the said Board that said men have not been otherways supplied. [*Passed January 7.*]

CHAPTER 323.

RESOLVE ON THE PETITION OF SAMUEL DELANO.

Legislative
Records of the
Council,
xxxix., 22.
Mass.
Archives,
ccxx., 156.
Mass.
Archives,
ccxx., 157.

Resolved that there be allowed and paid out of the public Treasury of this State to Sam^l Delano, or order, the sum of Seven pounds, fourteen shillings, in full of the wages due to him when in the service of this State as Carpenter of the Brigantine Independence and until his arrival home from his captivity. [*Passed January 7.*]

CHAPTER 324.

RESOLVE ON THE PETITION OF BRIDGET TREE.

ON THE PETITION of Bridget Tree, praying that she may have leave for herself and children to depart this State (by the way of Halifax) for Newfoundland to her husband there.

Resolved that she have and she hereby has liberty together with her children to sail in the first Cartel from Boston for Halifax, and to carry her goods and effects with her. [*Passed January 8.*]

Legislative
Records of the
Council,
xxxix., 23.
Mass.
Archives,
ccxx., 169.
Mass.
Archives,
ccxx., 170.

CHAPTER 325.

RESOLVE ON THE PETITION OF CATHERINA GLIUSTNMEAU.

Resolved that the said Catherina be and hereby is permitted to depart this State in the next Cartel bound to New York, in her way to the West Indies, and that she have liberty to take with her a bed and her linnen, if such she have, at the time of her embarkation for such port. [*Passed January 8.*]

Legislative
Records of the
Council,
xxxix., 23.
Mass.
Archives,
ccxx., 172.
Mass.
Archives,
ccxx., 171.

CHAPTER 326.

RESOLVE ALLOWING £3. 1^s 4^d TO CAPT. RICHARD PEABODY.

Legislative
Records of the
Council,
xxxix., 24.

Resolved that there be allowed and paid out of the public Treasury to Capt. Richard Peabody, the sum of Three pounds, one shilling and four pence, the sum the said Capt. Peabody paid John Chadwick, Junr, a soldier in his company in the year 1776, who was omitted being made up in his Muster Roll. [*Passed January 8.*]

CHAPTER 327.

RESOLVE FOR SUPPLYING CLOTHING TO THE OFFICERS OF COL. LAMB'S ARTILLERY REGIMENT AND LIEUT. COL. STEVENS' INDEPENDENT CORPS.

Legislative
Records of the
Council,
xxxix., 24.
Mass.
Archives,
ccxx., 173.
Mass.
Archives,
ccxx., 174.
Province
Laws, v., 642,
chap. 46.

Resolved that the Resolve of the General Court of the 17th of June last, whereby the Board of War are directed to furnish such commissioned officers as belong to the fifteen battalions raised in this State, and are in the Continental service, with two Shirts and a Suit of Cloathes each, proper for their respective ranks, they paying for the same agreeable to the prices set in the late "Act for regulating Prices in this State;" be and hereby is extended to the officers belonging to this State that are in the regiment of Artillery commanded by Colonel John Lamb, and the Independent Corps of Artillery under the command of Lieut. Colonel Ebenezer Stevens, and the Board of War are hereby directed and impowered to furnish them accordingly. [*Passed January 9.*]

CHAPTER 328.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY CLOTHING TO THE OFFICERS OF COL. ALDEN'S REGIMENT.

Legislative
Records of the
Council,
xxxix., 25.
Mass.
Archives,
ccxx., 176.
Mass.
Archives,
ccxx., 177.

WHEREAS Ensign Joseph Tucker has represented to this Court, in behalf of himself and the other officers of the late Col^o Alden's regiment, that they are destitute of Cloathing, &c. and as they have been for a long time quartered at a great distance from any considerable market, by which means they have not had it in their power to procure such things as were necessary for their comfort, and are now almost destitute of every kind of Cloathing: Therefore

Resolved that the Board of War be, and they are hereby directed immediately to deliver to Ensign Joseph Tucker such Cloathing as the officers of said regiment are by the Resolve of this Court intitled to, provided they have the same in their possession, the prior application of any other regiment notwithstanding. [*Passed January 9.*]

CHAPTER 329.

RESOLVE ON THE PETITION OF CAPT. JOHN CLOUSTON.

Resolved that the Commissary General of this State be and hereby is directed to deliver to Capt. John Clouston all such back rations, as shall appear to him to be due to said Capt. Clouston, whilst in the service of this State from August 4, 1777, to April 21, 1778. And it is further

Legislative
Records of the
Council,
xxxix., 25.
Mass.
Archives,
ccxx., 201.

Resolved that there be allowed and paid out of the public Treasury of this State to Capt. John Clouston, the sum of Twenty one pounds lawful money, in full for a gun, hanger and pair of pistols as mentioned in his Petition. [*Passed January 9.*]

Mass.
Archives,
ccxx., 202.

CHAPTER 330.

RESOLVE FOR GUARDING THE POWDER MAGAZINE AT WATERTOWN.

Resolved that Jonathan Brown, Esq^r, be and hereby is appointed a Committee to inlist nine men out of the militia in Watertown, viz^t one sergeant, one corporal and seven privates, to serve as a guard to the Powder Magazine in Watertown till the first day of July next, unless sooner discharged; and that they be allowed for their service as follows, viz. the sergeant Six pounds, the corporal Five pounds, and the privates Four pounds, per callender month and rations as accustomed.

Legislative
Records of the
Council,
xxxix., 25.
Mass.
Archives,
ccxx., 179.

And be it further

Resolved that Jonathan Brown, Esq^r, the Committee aforesaid, be and hereby is impowered and directed to issue such orders from time to time to said guard as he shall judge necessary for the safe keeping said Magazine. [*Passed January 9.*]

CHAPTER 331.

RESOLVE FOR PAYMENT OF THE COMMITTEE FOR EXAMINING PAY ROLLS.

Resolved that the members of this House, who are on the Committee for examining Pay Rolls this present year, shall receive their pay in the same manner and proportion as is provided for the Committee on Accounts by a Resolve of this Court of the 30th of May last. [*Passed January 9.*]

Legislative
Records of the
Council,
xxxix., 26.
Mass.
Archives,
ccxx., 180.

CHAPTER 332.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO FILE A CLAIM AGAINST THE SHIP SOMERSET.

Resolved that the Attorney General be and he hereby is impowered and directed to file and support a claim in the Maritime Court, in behalf of this State, against the Ship Somerset and appurtenances, said to be wrecked on some part of the shore in the County of Barnstable. [*Passed January 9.*]

Legislative
Records of the
Council,
xxxix., 26.
Mass.
Archives,
ccxx., 181.

Mass.
Archives,
cliii., 116, 117.

CHAPTER 333.

RESOLVE ON THE PETITION OF ISAAC MOSELEY.

Legislative
Records of the
Council,
xxxix., 26.
Mass.
Archives,
ccxx., 182.
Mass.
Archives,
ccxx., 183, 184.

UPON THE MEMORIAL of Isaac Moseley, of Glastonbury, in the State of Connecticut, now committed to the County goal in Boston by Sam^l Pemberton and Joseph Gardner, Esq^{rs}, for uttering or attempting to utter sundry counterfeit Bills to the amount of Two hundred and sixty five pounds, sixteen shillings, which Bills he saith he received of one Benajah Pembleton, of Colchester, in said State of Connecticut.

Resolved that the said Justices Pemberton and Gardner be and they hereby are directed to liberate and discharge the said Isaac Moseley from said commitment and deliver him the money again, after taking the numbers of and defacing the same, he first paying the costs and giving bonds with sureties to appear at the next Superior Court to be held in Ipswich, in the County of Essex, in the sum of One thousand pounds, to answer to any information or bill of indictment that may be there found against him. [*Passed January 9.*]

CHAPTER 334.

RESOLVE LIBERATING FRANCIS JOHONNOT.

Legislative
Records of the
Council,
xxxix., 26.
Mass.
Archives,
ccxx., 186.
Mass.
Archives,
ccxx., 187-200.

WHEREAS it appears to this Court that Francis Johonnot, now a prisoner in the Town of Boston, exhibited a very humane and friendly disposition to American prisoners when in England, by affording them aid and comfort when under a cruel imprisonment; that he made an explicit renunciation of all allegiance to the British Crown before he embarked for America; and that afterwards he entered a volunteer in the service of the United States: And whereas it appears to this Court that the said Johonnot does not fully come within the intendment and meaning of the Act (commonly called the Exclusion Act) upon which he stands committed: Therefore

Resolved that the keeper of the common goal in the Town of Boston be and hereby is directed to discharge from the goal aforesaid the said Francis Johonnot, after he shall have taken the Oath of Allegiance to this State, which any Justice of the Peace for the County of Suffolk is hereby impowered to administer, the said Johonnot paying goalers fees and other charges arising in consequence of his commitment. [*Passed January 9.*]

CHAPTER 335.

RESOLVE DIRECTING THE COMMISSARY OF PRISONERS TO PROVIDE FOR MARY GLIUSTNMEAU.

Legislative
Records of the
Council,
xxxix., 25.
Mass.
Archives,
ccxx., 178.

Resolved that the Commissary of Prisoners be and he hereby is impowered and directed to take under his care and provide for Mary Gliustnmeau, now a prisoner in this State, till she can be sent in a Cartel to New York. [*Passed January 9.*]

CHAPTER 336.

RESOLVE ON THE PETITION OF THE STOCKBRIDGE INDIANS.

Resolved that the Board of War be and they hereby are directed to deliver to the Rev^d Mr John Sargeant, Missionary to the tribe of Stockbridge Indians, Twenty blankets, five of which he is to deliver as a donation to five widows of said tribe, whose husbands were lately slain by the enemy near White Plains in the State of New York; the other fifteen Mr Sargeant is to pay for at Five pounds for each blanket, and to dispose of them to such of said tribe as he shall think stand in the greatest need of cloathing. [*Passed January 11.*]

Legislative
Records of the
Council,
xxxix., 27.
Mass.
Archives,
cxliv., 413.
Mass.
Archives,
cxliv., 414.

CHAPTER 337.

RESOLVE FOR SUPPLYING THE COMMITTEE ON ACCOUNTS WITH MONEY.

WHEREAS it has been represented to this Court that the money appropriated at the last session of the General Court to pay such accounts as might be allowed by the Committee on Accounts is expended; and as it is necessary that a further sum be appropriated for that purpose: Therefore

Resolved that the Hon^{ble} Council be authorized to issue their warrants from time to time on the Treasurer of this State, in favour of the Committee appointed by Council to concur in passing accounts for such sums as they, the said Council, shall judge necessary for the payment of such accounts; provided the amount of such warrants shall not exceed the sum of Twenty thousand pounds, said Committee to be accountable for the money they shall receive. [*Passed January 11.*]

Legislative
Records of the
Council,
xxxix., 28.
Mass.
Archives,
cxxx., 203.

CHAPTER 338.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO PROSECUTE DELINQUENT SELECTMEN.

Resolved that the Attorney General be and he hereby is directed to prosecute the Selectmen of all such towns in this State as have neglected to do the duty assigned them in a Resolve of this Court of the 17th of June last, for procuring Shirts, Shoes and Stockings for the army. [*Passed January 12.*]

Legislative
Records of the
Council,
xxxix., 28.
Mass.
Archives,
ccxx., 204.

CHAPTER 339.

RESOLVE DIRECTING THE COMMITTEE TO PASS ALL ACCOUNTS PROPERLY VOUCHED FOR SHIRTS, ETC.

Resolved that the Committee of Accounts shall pass all accounts properly vouched of the Selectmen in this State for Shirts, Shoes and Stockings procured by direction of a Resolve of this Court passed the 17th day of June last, notwithstanding the names of such Selectmen are not returned by the Agent for the County wherein they live. [*Passed January 12.*]

Legislative
Records of the
Council,
xxxix., 29.
Mass.
Archives,
ccxx., 205.

CHAPTER 340.

Legislative
Records of the
Council,
xxxix., 29.
Mass.
Archives,
ccxx., 207.

APPOINTMENT OF JOSIAH CHACE AS ADJUTANT OF THE 1ST YORK COUNTY REGIMENT.

In the House of Representatives.

Mass.
Archives,
ccxx., 208.

The House made choice by ballot of Josiah Chace as an Adjutant to the first Regiment of Militia in the County of York.

In Council

Read and Concurred. [*Passed January 12.*]

CHAPTER 341.

RESOLVE ON THE PETITION OF NATHANIEL THWING, ESQ^R.

Legislative
Records of the
Council,
xxxix., 29.
Mass.
Archives,
ccxx., 209.

Mass.
Archives,
ccxx., 210, 213.

WHEREAS Nathaniel Thwing, Esq^r, Agent for the estate of Charles Callahan, of Pownalborough, in the County of Lincoln, an Absentee, received a Resolve of the General Court bearing date April 29, 1778, directing him to pay Rebecca, the wife of the said Charles Callahan, the sum of Two hundred pounds; Seventy pounds of which sum said Thwing has paid to said Rebecca Callahan, since which she has clandestinely gone off to the enemy:

Therefore

Resolved that Nathaniel Thwing, Esq^r, Agent for the estate of Charles Callahan, be directed, and he hereby is directed not to pay Rebecca Callahan, the wife of said Charles, her heirs, assigns or attorney, the remainder of the abovesaid sum of Two hundred pounds, but that he be directed, and he hereby is directed to retain said sum in his hands till the further order of this Court, or till he account therefor as Agent to said estate. [*Passed January 12.*]

CHAPTER 342.

RESOLVE ON THE PETITION OF THE OVERSEERS OF THE POOR OF MENDON.

Legislative
Records of the
Council,
xxxix., 29.
Mass.
Archives,
ccxx., 214.

Mass.
Archives,
ccxx., 215, 216.

ON THE PETITION of the Overseers of the Poor of the Town of Mendon, praying that the charges they have been at in maintaining, supporting and cloathing James Thomson, a poor person, may be allowed and paid to Edward Rawson, Esq^r, and that he, the said James Thomson, be made a State charge for the future, for the reasons set forth in the Petition.

Resolved that the prayer of said Petition be granted, and that there be allowed and paid out of the public Treasury of this State to Edward Rawson, Esq^r, the sum of Thirty one pounds and eleven shillings, in full for the charges the Town of Mendon have been at in maintaining, supporting and cloathing the said James Thomson; he, the said Edward Rawson, giving his receipt to the Treasurer of this State for the same. [*Passed January 12.*]

CHAPTER 343.

RESOLVE ON THE PETITION OF PELEG WADSWORTH, ADJUTANT GENERAL.

ON THE PETITION of Peleg Wadsworth, Adjutant General, praying for the loan of a writing desk and sundry utensils necessary to furnish his office.

Resolved that the prayer of the Petition be granted, and that the Committee of Sequestration be, and they hereby are directed to supply the said Wadsworth with one writing desk, six chairs, one book case, one pair of andirons, shovel and tongs, one table, one ink-stand and a map of the State; he to be accountable to said Committee for the same and to return them when called for. [*Passed January 13.*]

Legislative
Records of the
Council,
xxxix., 31.
Mass.
Archives,
ccxx., 217.

Mass.
Archives,
ccxx., 218.

CHAPTER 344.

RESOLVE ON THE PETITION OF WILLIAM M^CLELLEN.

ON THE PETITION of William M^CLellen, setting forth that the present Treasurer has issued execution against him for £39.15^s6^d.

Resolved that the present Treasurer withdraw said execution, as it appears to this Court that the above sum of Thirty nine pounds, fifteen shillings and six pence, has been paid by said M^CLellen and that he be discharged from the same. [*Passed January 13.*]

Legislative
Records of the
Council,
xxxix., 31.
Mass.
Archives,
ccxx., 219.

Mass.
Archives,
ccxx., 220-221.

CHAPTER 345.

RESOLVE EXCUSING THE INHABITANTS OF CHARLESTOWN FROM RAISING MEN TO SERVE AS GUARDS.

WHEREAS Cap^t David Goodwin, commanding officer of the militia in the Town of Charlestown, has represented to this Court that the inhabitants of said town are greatly distressed by an Order of Council, directing the raising of ten men from their small number to guard the British prisoners now in the Barracks on Bunker Hill, and prays that they may be eased from the burthen thereof: Therefore

Resolved that the inhabitants of Charlestown be excused from furnishing the men required by said Order of Council. And be it further

Resolved that the commanding officer of the militia in the Town of Woburn be directed, and he is hereby directed to draft one sergeant, one corporal and ten private men from the militia in said town, to do duty in guarding the prisoners now in the Barracks on Bunker Hill in Charlestown until the first day of March next, unless sooner discharged. [*Passed January 14.*]

Legislative
Records of the
Council,
xxxix., 32.
Mass.
Archives,
ccxx., 223.

Mass.
Archives,
ccxx., 224.

CHAPTER 346.

LETTER TO CONGRESS RESPECTING THE EMBARGO.

Mass.
Archives,
co., 297.
Mass.
Resolves,
Jan. Sess.,
chap. 27.

Resolved that a fair draught of the following Letter be signed by the President of the Council, in the name and behalf of this Court, and transmitted to Congress without delay.

STATE OF MASSACHUSETTS BAY

Sir,

Though we are sensible that the Embargo on the exportation of Provisions from these States was a very necessary measure, and doubt not has been attended with very useful effects, yet we are constrained to ask of Congress at this time to recommend to the Southern States some alteration of it as far as it respects the exportation of Grain to these Eastern States, particularly to this.

By means of a very heavy drought which took place the last Summer, and was succeeded by a blight on our Rye, and from an unavoidable neglect of our tillage land, which proceeded from our husbandmen being called off to the Army in the season of tillage and from divers other concurring causes, we find a great scantiness of Grain has already taken place, and we are threatened with great distress for want of bread.

The Embargo has prevented our seaports from receiving supplies as usual from the Southern States and unless an importation should speedily be permitted, the time for it will be over, as the Enemy's armed vessels, who are now obliged to keep in port, will then probably intercept most of the vessels that may be coming coastwise from the Southern States.

The importance of an immediate attention to this matter we wish to impress, as we are well satisfied that the Grain now in the hands of our farmers is not sufficient for the inhabitants of our farming towns and of consequence they will not much longer supply the seaports.

To his Excellency John Jay, Esq^r }
President of Congress.
[Passed January 14.

CHAPTER 347.

LETTER TO THE GOVERNORS OF CONNECTICUT, PENNSYLVANIA AND THE SOUTHERN STATES.

Mass.
Resolves,
Jan. Sess.,
chap. 28.

Ordered that fair draughts of the following Letter be signed by the President of the Council, in the name and behalf of this Court, and sent to the Governor of Connecticut, the Supreme Executive Powers of Pennsylvania and the other Southern States, excepting the State of Georgia, and transmitted without delay.

STATE OF MASSACHUSETTS BAY

Sir,

We have wrote a Letter to Congress of this date, praying that they would be pleased to recommend to the Southern States a suspension of the Embargo as far as relates to the exportation of Grain to these Eastern States. We are really in great want and have just cause to fear an alarming scarcity, unless your State should relieve us in this respect. Divers causes have concurred to produce this scarcity. A severe drought and a great blight during

the course of the last Summer; the absence of our husbandmen in the time of tillage; the consumption of the Convention Troops, more than their supplies from the British Commissaries; the want of the usual supply to our seaports arising from the Embargo; are among these causes.

We are not contriving a scheme of profit to our merchants, but are anxious for a supply of bread at a time when the want of it begins to be felt. If it is more agreeable to your State to permit the exportation of it by your own merchants and in your own vessels, we shall be thoroughly content. We are not solicitous for the mode of supply, if we are but supplied.

You will excuse our earnestness and believe us to be ready at all times to reciprocate acts of benevolence and friendship with you. [*Passed January 14.*]

CHAPTER 348.

RESOLVE RESPECTING WAGES OF MEN CAPTURED WHILE IN SERVICE.

WHEREAS there are a number of persons, who have been taken prisoners by the enemy while in the sea service of this State, and held as such beyond the time to which they were made up in the pay roll by their Captain, whereby they have been deprived of their wages from the time to which they were made up to the time of their getting home: Therefore

Resolved that such persons producing proper vouchers setting forth the time of being captured, the time they were held as prisoners, and to what time they have received their pay, to the Committee on Muster Rolls, be allowed and paid out of the Treasury of this State, the sums that shall appear to said Committee to be due to them, they giving a full discharge therefor. [*Passed January 15.*]

Legislative
Records of the
Council,
xxxix., 34.
Mass.
Archives,
ccxx., 225.

Mass.
Archives,
ccxx., 226.

CHAPTER 349.

RESOLVE ON THE PETITION OF WILLIAM GARDINER.

Resolved that William Gardiner of Gardinerston, be and hereby is permitted to return to his own home and enjoy the privileges of a free subject, any judgment of a special Court of Sessions in the County of Lincoln notwithstanding. [*Passed January 16.*]

Legislative
Records of the
Council,
xxxix., 35.
Mass.
Archives,
ccxx., 227.

Mass.
Archives,
ccxx., 228.

CHAPTER 350.

ORDER ON THE PETITION OF JAMES SULLIVAN, ESQ^R.

Ordered that the Committee of Sequestration be, and they hereby are directed to deliver him Foster's Pleas of the Crown, one volume; Hawkins' Pleas of the Crown, one volume; Strong's Reports, two volumes; Modern Entries, two volumes; Keylin's Reports, one volume; and Burrows' Reports, two volumes; he paying them what the said books shall be appraised at by such person as the said Committee shall appoint for that purpose. [*Passed January 18.*]

Legislative
Records of the
Council,
xxxix., 35.
Mass.
Archives,
ccxx., 232.

CHAPTER 351.

RESOLVE ON THE PETITION OF EDWARD CUTTS AND OTHERS.

Legislative
Records of the
Council,
xxxix., 35.

ON THE PETITION of Edward Cutts, Samuel Weeks and Moses Hanscom, praying for allowance and payment for Two thousand three hundred and sixty eight pounds of Beef, by them delivered to Capt. Robert Follett, Commissary, for the use of the troops at Kittery Point in November Seventeen hundred and seventy five.

Resolved that there be allowed and paid out of the public Treasury of this State to Edward Cutts, Samuel Weeks and Moses Hanscom, the sum of Fifty nine pounds, four shillings, in full for Beef by them supplied. [*Passed January 18.*]

CHAPTER 352.

RESOLVE ON THE PETITION OF SARAH LIGHTFOOT.

Legislative
Records of the
Council,
xxxix., 36.
Mass.
Archives,
ccxx., 234.

UPON THE PETITION of Sarah Lightfoot, praying for leave to go to Newport.

Resolved that the said Sarah Lightfoot, with her infant child, be and she hereby is permitted to go to Newport by way of Providence, and it is hereby recommended to the Commander-in-Chief in Providence to furnish the said Sarah with the proper passports for going to Newport by the shortest route. [*Passed January 18.*]

CHAPTER 353.

RESOLVE ON THE PETITION OF ALDEN SPOONER.

Legislative
Records of the
Council,
xxxix., 36.

UPON THE PETITION of Alden Spooner, praying that his account for supplying the militia with provisions and other stores on the late Alarm at Dartmouth may be allowed, and that he may be enabled to settle with the several persons he received supplies from.

Resolved that there be allowed and paid to Mr Alden Spooner out of the Treasury of this State, the sum of One thousand and eighty one pounds, thirteen shillings and eight pence, in full discharge of his account for said supplies; also that the Commissary General of this State be, and he is hereby directed to deliver to the Selectmen of the Town of Rochester, or to their order, Four hundred and forty musquet cartridges, in full for what that Town supplied in said Alarm: Likewise

Resolved that there be allowed and paid out of the Treasury of this State to Mr Jairah Willis, the sum of One hundred and twenty one pounds, twelve shillings and eight pence, in full discharge of his account for like supplies; and also that there be allowed and paid to Mr Joseph Russell out of said Treasury, the sum of Forty six pounds and ten shillings, in full discharge of his account for like supplies on said Alarm; and that the several sums paid in consequence of this Resolve be charged to the United States. [*Passed January 18.*]

CHAPTER 354.

RESOLVE ON THE PETITION OF MARY BAYARD.

ON THE PETITION of Mary Bayard, setting forth that Ten thousand pounds Old Tenor was ordered by the last will and testament of the Hon^{ble} James Bowdoin, Esq^r, deceased, to remain in the hands of the Executors of the said Testator, the interest of which sum being appropriated in and by the testament aforesaid for the support of the said Mary, is now become insufficient for that purpose, and praying that the Ten thousand pounds aforesaid may be appropriated to her support agreeable to the intention of the Testator.

Legislative
Records of the
Council,
xxxix., 36.
Mass.
Archives,
ccxx., 236.
Mass.
Archives,
ccxx., 238-244.

Resolved that each of the three Executors of the Hon^{ble} James Bowdoin, late of Boston, Esq^r, deceased, and the Executors, Administrators or Agents on the estates of either of the respective Executors aforesaid, be and they hereby are impowered and directed to pay out of the third part of the said Ten thousand pounds, lodged in said Executors' hands respectively as a fund for the support or maintenance of Mary Bayard, such sum and sums as they shall each of them respectively from time to time be ordered and directed to pay toward the maintenance of the said Mary by the Judge of Probate of Wills, &c., for the time being in and for the County of Suffolk; who is hereby authorized and impowered to settle and adjudge what sum or sums are reasonable and necessary to be taken annually out of the principal, to make up the deficiency there may be at any time in the interest for the comfortable support and maintenance of the said Mary, any thing in the testament aforesaid to the contrary notwithstanding.

And that the orders of the said Judge of Probate for such payment and the said Mary Bayard's receipts shall be a full and sufficient bar to any action hereafter brought against the Executors and Administrators or Agents before herein mentioned, by the children of the said Mary Bayard, their heirs, executors or administrators, for the recovery of such money so paid by order of the said Judge as aforesaid; provided that the orders of the said Judge shall not exceed the sum of Five hundred pounds lawful money in the whole; which in case the said children shall repay the same with the interest thereof on or before the decease of the said Mary, shall not be deducted out of the Ten thousand pounds Old Tenor aforesaid, or the third thereof that was in the respective hands of each of the three Executors of the Testator aforesaid.
[*Passed January 18.*]

CHAPTER 355.

RESOLVE ON THE PETITION OF THOMAS SMART, PAYMASTER.

ON THE PETITION of Thomas Smart, Paymaster to Col^o Wigglesworth's regiment.

Resolved that the Board of War be and they are hereby directed to sell to the Continental Clothiers so many Blankets and Stockings as Col^o Sheppard (at present Commandant of Gen^l Glover's Brigade) shall think necessary to supply said Brigade, said Clothiers paying the Board of War for the same. [*Passed January 19.*]

Legislative
Records of the
Council,
xxxix., 37.
Mass.
Archives,
ccxx., 246.
Mass.
Archives,
ccxx., 247.

CHAPTER 356.

RESOLVE ON THE PETITION OF KATHARINE WILLARD.

Legislative
Records of the
Council,
xxxix., 38.
Mass.
Archives,
ccxx., 248.
Mass.
Archives,
ccxx., 249.

ON THE PETITION of Katharine Willard, praying that her son, Levi Willard, may have leave to return home.

Resolved that the prayer of the Petition be granted, and the said Levi Willard accordingly has leave to return home as a subject of this State, any time within twelve months from the date hereof, he on his arrival giving notice thereof to the Hon^{ble} Council of this State, and taking the Oath of Allegiance to this and the United States of America. [*Passed January 19.*]

CHAPTER 357.

RESOLVE ON THE PETITION OF THE SELECTMEN OF SWANZEY.

Legislative
Records of the
Council,
xxxix., 38.
Mass.
Archives,
ccxx., 252.
Mass.
Archives,
ccxx., 253.

ON THE PETITION of the Selectmen of the Town of Swanze, in behalf of said Town, praying that they may have leave to choose Collectors or Constables for reasons set forth in said Petition.

Resolved that the prayer thereof be granted, and that said Town of Swanze, at a meeting legally called for that purpose, have leave to choose a Collector or Collectors and a Constable or Constables to serve therein, who shall be under the same penalties and vested with the like powers as they would have been had they been chosen in the month of March last. [*Passed January 19.*]

CHAPTER 358.

RESOLVE DIRECTING THE TREASURER TO EXCHANGE CONTINENTAL CURRENCY FOR BILLS OF CREDIT.

Legislative
Records of the
Council,
xxxix., 38.
Mass.
Archives,
ccxx., 254.

WHEREAS divers sums of money emitted by this State have been received into the Continental Loan Offices established in the United States, in exchange for Continental Loan Certificates and Lottery Tickets, which will not now pass in payment and therefore can be of no use to the Continent:

Resolved that the Treasurer of this State be, and hereby is empowered and directed to receive of the several Continental Loan Officers any Bill or Bills of Credit emitted by this State, which they, or any of them, may have received for Continental Loan Certificates or Lottery Tickets, and give in exchange therefor Continental Currency, provided the said Continental Loan Officers respectively make oath before some Magistrate that such Bills so offered were actually received in virtue of their office. [*Passed January 19.*]

CHAPTER 359.

RESOLVE ON THE PETITION OF COL^o JONATHAN MITCHELL.

Legislative
Records of the
Council,
xxxix., 39.
Mass.
Archives,
ccxx., 255.

Resolved that the Committee upon Muster Rolls be, and they hereby are directed to receive and examine the Muster Rolls of the persons mentioned in said Petition, and to adjust the same on the

establishment of Sea Coast men for the year 1776, and that the amount thereof be paid to the petitioner to the use of the persons named in such rolls, he giving his receipt therefor. [*Passed January 19.*]

Mass.
Archives,
ccxx., 256.

CHAPTER 360.

RESOLVE ON THE PETITION OF DR. JAMES FREELAND.

ON THE PETITION of James Freeland, Surgeon to a regiment of militia, commanded by Col^o Jonathan Holman, praying for allowance for Medicines he found and expended in said regiment September 26th, 1777.

Legislative
Records of the
Council,
xxxix., 39.

Resolved that the prayer of the Petition be granted, and that there be paid out of the public Treasury of this State to Doct^r James Freeland for Medicines he found and expended in said service, the sum of Thirteen pounds and nineteen shillings, in full for said Medicines. [*Passed January 19.*]

CHAPTER 361.

RESOLVE FOR APPROPRIATING THE MONEY RECEIVED BY SALE OF LOTTERY TICKETS.

WHEREAS a Resolve passed the General Court on the first day of May last for raising by Lottery or Lotteries a sum not exceeding Seven hundred and fifty thousand dollars, for the benefit of the officers and privates of the fifteen battalions raised in this State, and who were in camp on or before the 15th day of August, 1777, or to their order, but no order has issued for payment of the money: Therefore

Legislative
Records of the
Council,
xxxix., 39.
Mass.
Archives,
ccxx., 261.

Resolved that the Treasurer of this State be, and he is hereby directed to appropriate the money which he has received or may receive, by the sale of the Tickets of said Lottery, for the payment of the Gratuity promised to those officers and privates of our quota of the Continental Army, described in another Resolve of Court dated the first day of May last, and also to the legal heirs or representatives of such of the said officers and privates as are deceased; and that he pay the same to them accordingly, they producing the proper certificates as required in the Resolve last mentioned. [*Passed January 20.*]

CHAPTER 362.

RESOLVE ALLOWING A PENSION TO WILLIAM STONE.

ON THE REPRESENTATION of John Lucas, Commissary of Pensioners, in behalf of William Stone, late a soldier in Capt. Flint's company and Col^o Sam^l Johnson's regiment, who was wounded at Saratoga the 17th of October, 1777.

Resolved that the said William Stone is intitled to one third of his monthly pay as a soldier to commence on the first day of December, 1777. [*Passed January 20.*]

Legislative
Records of the
Council,
xxxix., 40.
Mass.
Archives,
ccxx., 263.
Mass.
Archives,
ccxx., 264-265.

CHAPTER 363.

RESOLVE ON THE PETITION OF BRIG. GEN. JOHN NIXON.

Legislative
Records of the
Council,
xxxix., 40.
Mass.
Archives,
ccxx., 269.

Mass.
Archives,
ccxx., 266-268;
cclxxv., 3.

Resolved that the prayer of the said Petition be granted, and the Board of War be and they hereby are directed to charge the articles delivered to John Nixon, Esq^r, and Mr Hezekiah Smith, in consequence of an order from the Council of this State, at the same rates and prices which the like articles are sold by them to the field officers of the respective battalions belonging to this State in the Continental Army; and they are further directed to deliver to said Nixon cloth sufficient for a loose coat, he paying for the same at the same rate. [*Passed January 20.*]

CHAPTER 364.

RESOLVE ON THE PETITION OF ABIGAIL HINGSTON.

Legislative
Records of the
Council,
xxxix., 41.
Mass.
Archives,
ccxx., 270.

Mass.
Archives,
ccxx., 271, 272.

ON THE PETITION of Abigail Hingston, praying for liberty to go to her husband at Rhode Island.

Resolved that the prayer of the Petition be granted, and that the said Abigail Hingston be and hereby is permitted to go to Providence and from thence over to Rhode Island, she being subject to such rules and restrictions as the commanding officer at Providence shall order. [*Passed January 20.*]

CHAPTER 365.

RESOLVE ALLOWING HALF PAY TO ASA MUNN.

Legislative
Records of the
Council,
xxxix., 41.
Mass.
Archives,
ccxx., 258.

Mass.
Archives,
ccxx., 259-260.

ON THE REPRESENTATION of John Lucas, Commissary of Pensioners, in behalf of Asa Mun, a private soldier in Col^o Leonard's regiment and Capt Timothy Childs' company, and who lost one of his legs in the service.

Resolved that the said Asa Mun is intitled to half his pay as a soldier to commence the 5th of April, 1777. [*Passed January 20.*]

CHAPTER 366.

RESOLVE ON THE PETITION OF SARAH MITCHEL.

Legislative
Records of the
Council,
xxxix., 41.
Mass.
Archives,
ccxx., 275.

Mass.
Archives,
ccxx., 276.

Resolved that the Treasurer be, and he is hereby directed to pay unto the said Sarah Mitchel two years and two months interest due on a Note of Five hundred and fifty seven pounds, four shillings, which she received of said Treasurer for said sums lent the State in November, 1776. [*Passed January 20.*]

CHAPTER 367.

RESOLVE ALLOWING £1,300 TO JAMES SULLIVAN, ESQ^R.

Resolved that there be paid out of the public Treasury to the Hon^{ble} James Sullivan, Esq^r, the sum of Thirteen hundred pounds, in full for his services as a Justice of the Superior Court from the first day of January, 1778, to the first day of January, 1779. [*Passed January 20.*]

Legislative
Records of the
Council,
xxxix., 41.
Mass.
Archives,
ccxx., 287.

CHAPTER 368.

RESOLVE ALLOWING £1,300 TO DAVID SEWALL, ESQ^R.

Resolved that there be paid out of the public Treasury to the Hon^{ble} David Sewall, Esq^r, the sum of Thirteen hundred pounds, in full for his services as a Justice of the Superior Court from the first day of January, 1778, to the first day of January, 1779. [*Passed January 20.*]

Legislative
Records of the
Council,
xxxix., 42.
Mass.
Archives,
ccxx., 286.

CHAPTER 369.

RESOLVE ALLOWING £1,375 TO WILLIAM CUSHING, ESQ^R.

Resolved that there be paid out of the public Treasury to the Hon^{ble} William Cushing, Esq^r, the sum of Thirteen hundred and seventy-five pounds, in full for his services as Chief Justice of the Superior Court from the first day of January, 1778, to the first day of January, 1779. [*Passed January 20.*]

Legislative
Records of the
Council,
xxxix., 42.
Mass.
Archives,
ccxx., 285.

CHAPTER 370.

RESOLVE ALLOWING £1,300 TO NATHANIEL P. SERGEANT, ESQ^R.

Resolved that there be paid out of the public Treasury to the Hon^{ble} Nathaniel Peaslee Sergeant, Esq^r, the sum of Thirteen hundred pounds, in full for his services as a Justice of the Superior Court from the first day of January, 1778, to the first day of January, 1779. [*Passed January 20.*]

Legislative
Records of the
Council,
xxxix., 42.
Mass.
Archives,
ccxx., 284.

CHAPTER 371.

RESOLVE ALLOWING £1,300 TO JEDEDIAH FOSTER, ESQ^R.

Resolved that there be paid out of the public Treasury to the Hon^{ble} Jedediah Foster, Esq^r, the sum of Thirteen hundred pounds, in full for his services as a Justice of the Superior Court from the first day of January, 1778, to the first day of January, 1779. [*Passed January 20.*]

Legislative
Records of the
Council,
xxxix., 42.
Mass.
Archives,
ccxx., 283.

CHAPTER 372.

RESOLVE ALLOWING £290 TO THE PROFESSOR OF HEBREW AT HARVARD COLLEGE.

Legislative
Records of the
Council,
xxxix., 42.
Mass.
Archives,
ccxx., 282.

Resolved that there be paid out of the public Treasury to Mr Stephen Sewall, Hancock Professor of the Hebrew and other Oriental Languages at Harvard College, the sum of Two hundred and ninety pounds as a gratuity, in consideration of his faithful discharge of the great and important trust reposed in him from the 1st of January, 1778, to the 1st of January, 1779. [*Passed January 20.*]

CHAPTER 373.

RESOLVE ALLOWING £1,000 TO THE PRESIDENT OF HARVARD COLLEGE.

Legislative
Records of the
Council,
xxxix., 42.
Mass.
Archives,
ccxx., 281.

Resolved that there be granted and paid out of the Treasury of this State, the sum of One thousand pounds, to the Rev^d Samuel Langdon, President of Harvard College, over and above the rents of Massachusetts Hall, for his services from the first day of January, 1778, to the first day of January, 1779. [*Passed January 20.*]

CHAPTER 374.

RESOLVE ALLOWING £500 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

Legislative
Records of the
Council,
xxxix., 43.
Mass.
Archives,
ccxx., 280.

Resolved that there be granted and paid out of the public Treasury to Mr Edward Wigglesworth, Hollisian Professor of Divinity at Harvard College, the sum of Five hundred pounds as a gratuity, in consideration of his faithful discharge of the important trust reposed in him from the 1st day of January, 1778, to the first day of January, 1779. [*Passed January 20.*]

CHAPTER 375.

RESOLVE ALLOWING £500 TO THE PROFESSOR OF MATHEMATICS AT HARVARD COLLEGE.

Legislative
Records of the
Council,
xxxix., 43.
Mass.
Archives,
ccxx., 279.

Resolved that there be paid out of the Treasury of this State to the Hon^{ble} John Winthrop, Esq^r, Hollisian Professor of Mathematics and Natural Philosophy at Harvard College, in Cambridge, the sum of Five hundred pounds as a gratuity, in consideration of his faithful discharge of the great and important trust reposed in him from the first day of January, 1778, to the first day of January current. [*Passed January 20.*]

CHAPTER 376.

RESOLVE ON THE PETITION OF THE SELECTMEN OF OXFORD.

ON THE PETITION of the Selectmen of the Town of Oxford, setting forth the great difficulty they labour under in regard of providing for and supporting of four aged persons, the poor of Charlestown, for near four years, and that as Oxford is a very small Town it is not in their power to provide for said persons any longer. Therefore

Resolved that the four persons of the poor of Charlestown, namely, Matthew Mallet and his wife, and one Margaret Fosdick and Dorcas Delony, be removed from the Town of Oxford to the Town of Sutton and the Select men of Sutton are hereby directed to make suitable provision for the said poor persons, as the Town of Charlestown is not in any condition to receive and support the same poor persons, and that the Selectmen of Sutton lay their accounts before this Court for allowance and payment. [*Passed January 20.*]

Legislative
Records of the
Council,
xxxix., 43.
Mass.
Archives,
ccxx., 277.
Mass.
Archives,
ccxx., 278.

CHAPTER 377.

ORDER ON THE PETITION OF JOSEPH KENT.

Ordered that the petitioner notify Stephen Kent and the other children of Richard Kent, by serving them with an attested copy of the said Joseph's Petition aforesaid, and this Order thereon, upon or before the fourth day of February next, that they may appear before this Court on the eleventh day of the said February, to shew cause, if any they have, why the prayer of said Petition should not be granted. [*Passed January 20.*]

Mass.
Resolves,
Jan. Sess.,
chap. 59.

CHAPTER 378.

RESOLVE DIRECTING THE TREASURER TO PAY THE INTEREST DUE ON CERTAIN NOTES TO WILLIAM BANT.

Resolved that the Treasurer of this State be, and he hereby is directed to pay to William Bant, the interest that is become due on two Notes given by the late Treasurer of this State, dated the eighth day of April, 1774, payable to Elizabeth Taylor, or order, one for £692, the other £408, now in the possession of said Bant. And the Treasurer of this State is hereby directed to pay the interest annually that shall become due on said Notes until the further order of the General Court. [*Passed January 21.*]¹

Legislative
Records of the
Council,
xxxix., 40.
Mass.
Archives,
ccxx., 293.
Mass.
Archives,
ccxx., 294.

CHAPTER 379.

RESOLVE ON THE PETITION OF TIMOTHY PENNY.

Resolved that the prayer of the Petition be granted, and that David Huntington be and he hereby is permitted to proceed to Jamaica, in the West Indies, there to collect the property of the said Timothy Penny, and having so done, he be permitted to

Legislative
Records of the
Council,
xxxix., 44.

¹ This date is January 20 according to Legislative Records of the Council.

Mass.
Archives,
ccxx., 290.

Mass.
Archives,
ccxx., 288.

proceed to any port in this State in such vessel as he may procure in the West Indies for the purpose of conveying said effects. And the commanders of all armed vessels belonging to this State are hereby directed, and the commanders of all armed vessels belonging to the United States, or either of them, are hereby requested, not to molest said Capt David Huntington in his aforesaid voyage, but rather to afford him all the assistance in their power (that he may need) to enable him to prosecute his voyage accordingly. [*Passed January 21.*]

CHAPTER 380.

RESOLVE ALLOWING £2,000 TO THE SELECTMEN OF FALMOUTH.

Legislative
Records of the
Council,
xxxix., 44.
Mass.
Archives,
ccxx., 301.

Mass.
Archives,
ccxx., 302.

WHEREAS by the Petition of Enoch Freeman, Esq^r, and others, a Committee of such of the inhabitants of Falmouth as suffered in their property by the destruction of a part of said Town by the enemy, it appears that the said inhabitants are in great want of Bread and other necessities of life: Therefore

Resolved that there be paid out of the Treasury of this State to the Selectmen of the said Town of Falmouth, the sum of Two thousand pounds, for the use of the said sufferers, said Selectmen to be accountable for the expenditure of said money.

And the said Selectmen shall distribute the same among the said sufferers in such proportion as their present necessities require, and keep an exact account of the sums so distributed and the names of the persons who shall receive the same. [*Passed January 21.*]

CHAPTER 381.

RESOLVE ON THE PETITION OF WILLIAM LITHGOW, JUN^r.

Legislative
Records of the
Council,
xxxix., 45.
Mass.
Archives,
clxxxiv., 352.

Mass.
Archives,
clxxxiv., 351;
ccxx., 400, 401.

ON THE PETITION of William Lithgow, Jun^r, setting forth his services and sufferings in the army.

Resolved that the Committee of Sequestration be and they are hereby directed to deliver him, he paying for the same, Bacon's Abridgment, Blackstone's Commentaries and Lilly's Entries, or such of them of which there are more than one set in their possession. [*Passed January 21.*]

CHAPTER 382.

RESOLVE ON THE PETITION OF PRINCE DAVIS.

Legislative
Records of the
Council,
xxxix., 46.
Mass.
Archives,
ccxx., 297.

Mass.
Archives,
ccxx., 298-300.

ON THE PETITION of Prince Davis, setting forth that he has been obliged to pay the sum of Eleven pounds, four shillings and two pence, to satisfy an execution lately issued against him as Collector for the Town of Gorham, although he paid the whole of what was committed to him to collect to William Tyng, late Sheriff of the County of Cumberland, and therefore prays relief from this Court.

Resolved that there be paid out of the public Treasury of this State to the said Prince Davis, or his order, the sum of Eleven pounds, four shillings and two pence, in full satisfaction of the sum prayed for in said Petition. [*Passed January 21.*]

CHAPTER 383.

RESOLVE FOR PAYING SAMUEL CARR AND OTHERS THE GRATUITIES ALLOWED BY A RESOLVE OF MAY 1, 1778.

Resolved that there be allowed and paid out of the Treasury of this State to Col^o James Wesson, for the use of the persons hereafter mentioned, the Gratuities granted by a Resolve of this Court of the 1st of May last to the officers and soldiers in the Continental Army, viz^t.

Legislative
Records of the
Council,
xxxix., 46.
Mass.
Archives,
ccxx., 292.

Samuel Carr, Captain
Nathaniel Trask, Lieutenant
Benjamin Hadley, Sergeant
Joseph Harout D^o
John Flanders, Corporal
John Eliot
Zebulon Ingersoll
Benjamin Chase
John Wood
Humphrey Moody

Jonathan Noyes
Daniel Beamas
Jonathan Dixon
Joseph Smith
Samuel Clarke
John King
Timothy Badger
William Fuller
Jonathan Trask

belonging to said Wesson's regiment to which they are intitled by said Resolve. [*Passed January 21.*]

CHAPTER 384.

RESOLVE ON THE PETITION OF JOSEPH TUCKER, PAYMASTER.

ON THE PETITION of Joseph Tucker, Paymaster to the late Col^o Alden's regiment.

Resolved that the Board of War be and they are hereby directed to deliver to said Joseph Tucker two pair of Hose for each of the officers of said Alden's regiment, he paying for the same at the same rate and in the same proportion as the other officers have done for the Cloathing sold them by the Board of War. [*Passed January 21.*]

Legislative
Records of the
Council,
xxxix., 47.
Mass.
Archives,
ccxx., 295.
Mass.
Archives,
ccxx., 296;
ccxxxv., 4.

CHAPTER 385.

LETTER TO EXECUTIVE AUTHORITIES OF NEW YORK AND CONNECTICUT.

Ordered that a fair draught of the following Letter be signed by the President of the Council, in the name and behalf of this Court, and transmitted to the legislative or executive authorities of the States of New York and Connecticut, as soon as may be.

Legislative
Records of the
Council,
xxxix., 45.
Mass.
Resolves,
Jan. Sess.,
chap. 61.

STATE OF MASSACHUSETTS BAY, January 21, 1779.

The inhabitants of the Town of Boston having represented to this Court, that by reason of the long Embargo on Provisions in the Southern States, the many captures of the Enemy, and the operation of an Act of your Assembly prohibiting the exportation of Flour and Grain, which, altho' calculated on the principles of true Policy, Patriotism and Humanity, for restraining Monopoly and providing for the Army, contributed to render the supply of those articles so very partial as to threaten all the miseries consequent on a total want of bread in this populous city, unless speedily prevented by a suspension of said prohibition, so far at

least as to allow the exportation of about Three thousand barrels of Flour for their present necessities.

Anxious to prevent such complicated distress, we most earnestly recommend to your sympathy and good offices this unhappy People, who may be relieved by being permitted to purchase and transport the quantities of Flour and Grain aforesaid.

The Agents, for whom we would solicit this permission, will bear Letters signed by John Rowe or Isaac Smith, Esq^r, or other the Chairman of a respectable Committee appointed by their fellow-citizens to effect this supply.

Fully confiding in your benevolence in facilitating their exertions for the relief of their constituents, We are,

[*Passed January 21.*]

CHAPTER 386.

RESOLVE ON THE PETITION OF LIEUT. DANIEL ADAMS.

Legislative
Records of the
Council,
xxxix., 48.
Mass.
Archives,
ccxx., 304.
Mass.
Archives,
ccxx., 305-308.

ON THE PETITI[ON of Lieut.]¹ Daniel Adams, praying that the losses which he and Caleb Dyer sustained, when taken in the Brigantine Freedom in the service of this State, and also for expences while sick and in returning home and for his back rations, and for back rations for Thomas Dotem, which they have not received.

Resolved that the Commissary General of this State be and hereby is directed to deliver to Lieut. Daniel Adams and Thomas Dotem, all such back rations as shall appear to him to be due to the said Adams and Dotem while in the service of this State. And it is further

Resolved that there be allowed and paid out of the public Treasury of this State to the said Adams the sum of Fifty seven pounds, seventeen shillings lawful money, in full for a silver hilted sword and one pair of pistols, which he lost when taken by the enemy and for his expences in sickness. Likewise

Resolved that there be allowed and paid out of the said Treasury to Caleb Dyer, the sum of Forty two pounds, eight shillings, lawful money, in full for one hanger and pair of pistols, which he lost when taken by the enemy, and for his expences in sickness and charges in returning home. [*Passed January 22.*]

CHAPTER 387.

RESOLVE DIRECTING RETURNS TO BE MADE OF THE OFFICERS AND MEN ENTITLED TO GRATUITIES.

Legislative
Records of the
Council,
xxxix., 48.
Mass.
Archives,
ccxx., 303.

Resolved that the commanding officers of the fifteen battalions in the Continental Army raised in this State be, and they are hereby directed to make a return into the Secretary's Office of this State of a true list of the names of all the commissioned, non-commissioned officers and privates, that were in actual service in their respective regiments or corps on the 13th day of August, 1777, and engaged for three years or during the war; distinguishing by columns the names and time when engaged in service, as also distinguishing those that are dead, discharged, deserted or in cap-

¹ Text inserted from Legislative Records of the Council.

tivity, and the times when, with proper certificates on the back of said returns agreeable to the requirements of the several Resolves of the General Court relative to that matter; that the officers and soldiers may be paid the Gratuity proposed to be given them by the General Court in consideration of their good services and sufferings without delay. And that those officers and soldiers now on furlough in this State may receive their proportion of said Gratuity and be enabled to return to camp: Be it further

Resolved that there be paid out of the Treasury of this State to them their proportion of said Gratuity, they producing proper certificates from either of the Brigadier Generals from this State, or from one of the Field Officers or Captains in the respective regiments to which they belong, agreeable to the Resolves of the first of May last, relative to the said fifteen battalions and the Council are hereby empowered to issue their warrants accordingly. [*Passed January 22.*]

CHAPTER 388.

RESOLVE ON THE PETITION OF INHABITANTS OF MURRAYFIELD.

ON THE PETITION of the inhabitants of the Town of Murrayfield, praying that the Proprietors of the said Township of Murrayfield may be subjected to build a bridge over Westfield River.

Mass.
Archives,
ccxxii., 141.

Resolved that the petitioners, or their agent, notify the original Proprietors of the said Township of Murrayfield by leaving a copy of said Petition, together with this Order, with Timothy Paine, Esq^r, who is mentioned in said Petition; that so the said Proprietors may shew cause, if any they have, why the prayer of said Petition should not be granted, on the last Wednesday of February next, if the Court shall be then sitting, otherwise on the second Wednesday of the next session. [*Passed January 22.*]

Mass.
Archives,
ccxxii., 142.

CHAPTER 389.

RESOLVE ON THE PETITION OF COL^O JONATHAN MITCHEL.

ON THE PETITION of Colonel Jonathan Mitchel and his account therewith exhibited.

Resolved that there be paid out of the Treasury of this State to the said Jonathan, the sum of Thirty pounds, being in full for his service and expences as Colonel, &c. in fortifying the Town of Falmouth, and also the further sum of Fifteen pounds, five shillings and six pence, for supplies to the men under his command while fortifying there. [*Passed January 23.*]

Legislative
Records of the
Council,
xxxix., 49.

CHAPTER 390.

RESOLVE ON THE PETITION OF JAMES NOBLE SHANNON.

ON THE PETITION of James Noble Shannon, praying for leave to go to Cumberland, Cornwallis and Horton in Nova Scotia.

Resolved that the said James Noble Shannon be, and he hereby is permitted to go to Cumberland, Cornwallis and Horton in Nova Scotia, for the purposes mentioned in said Petition, and to return

Legislative
Records of the
Council,
xxxix., 49.

Mass.
Archives,
ccxx., 311.

Mass.
Archives,
ccxx., 312.

with his effects into this State within six months from this date. And all commanders of armed vessels in the service of the United States are hereby desired, and commanders of armed vessels in the service of this State are directed, not to molest the said Shannon in going to or returning from Nova Scotia as aforesaid. [*Passed January 23.*]

CHAPTER 391.

RESOLVE FOR PROVIDING THE COMMITTEE OF VALUATION WITH ACCOUNT BOOKS.

Legislative
Records of the
Council,
xxxix., 50.
Mass.
Archives,
ccxx., 313.

WHEREAS the Committee of Valuation have represented that they have occasion for some accompt books in the execution of their business: Therefore

Resolved that the Committee of Sequestration be directed to deliver to Aaron Wood, Esq^r, such books for that purpose as he may call upon them for, for the use of said Committee, provided they have the same in their possession. [*Passed January 23.*]

CHAPTER 392.

RESOLVE ON THE PETITION OF MARY COCKRAN.

Legislative
Records of the
Council,
xxxix., 50.
Mass.
Archives,
ccxx., 314.

ON THE PETITION of Mary Cockran, praying that the General Sessions of the Peace for the County of Middlesex may be impowered to grant her a license to retail spirituous liquors.

Resolved that the prayer of said Petition be granted, and the Court of General Sessions of the Peace for the County of Middlesex, be and they hereby are impowered to grant said Mary Cockran, at their session in March next, a license to retail spirituous liquors untill their license term in September next, observing the rules and direction of the law in that case made and provided. [*Passed January 25.*]¹

CHAPTER 393.

RESOLVE ON THE PETITION OF THE SELECTMEN OF WILLIAMSBURG.

Legislative
Records of the
Council,
xxxix., 51.
Mass.
Archives,
ccxx., 315.

ON THE PETITION of the Selectmen of the Town of Williamsburg, in the County of Hampshire, setting forth the inconveniences said town are under by reason of not having an innholder in said town, and praying that the Court of General Sessions of the Peace, to be holden at Northampton in said County on the second Tuesday of February next, may be impowered to grant out license to some suitable person in said town that the Selectmen shall approbate for an innholder.

Therefore

Resolved that the prayer of said Petition be granted and the Court of General Sessions of the Peace, to be holden at Northampton for the County of Hampshire on the second Tuesday of February next, be and they are hereby impowered to grant out licence accordingly, any law to the contrary notwithstanding. [*Passed January 25.*]

¹ This date is January 23 according to Legislative Records of the Council.

CHAPTER 394.

RESOLVE ALLOWING HALF PAY TO THOMAS FOOT.

ON THE REPRESENTATION of John Lucas, Commissary of Pensioners, in behalf of Thomas Foot, late a soldier in Col^o Tupper's regiment and Capt. George White's company, who was wounded in the retreat from Ticonderoga.

Resolved that the said Thomas Foot is intitled to half pay as a soldier to commence on the 23^d of December last. [*Passed January 25.*]

Legislative
Records of the
Council,
xxxix., 51.
Mass.
Archives,
ccxvi., 370.
Mass.
Archives,
ccxvi., 371-
373e.

CHAPTER 395.

RESOLVE ON THE PETITION OF MOSES DICKINSON.

ON THE PETITION of Moses Dickenson, in behalf of the Selectmen of Amherst, praying that the time appointed by a Resolve of the 15th of October last for notifying Simeon Strong, Esq^r, might be lengthened to some future day.

Resolved that the prayer of the Petition be so far granted, that the said Simeon Strong be notified by having an attested copy of this Resolve left by the petitioners at the usual place of his abode, ten days before the third Thursday of February next, to shew cause, if any he have, on the said third Thursday of February next, if this Court be then sitting, otherwise on the second Thursday of the next sitting of said Court, why the prayer of a Petition of Moses Dickenson and others, Selectmen of Amherst, respecting an action brought against David Blodget, Constable of that Town, by said Strong should not be granted. [*Passed January 25.*]

Mass.
Resolves,
Jan. Sess.,
chap. 77.

CHAPTER 396.

ORDER ON THE PETITION OF INHABITANTS OF WALPOLE.

ON THE PETITION of a number of the inhabitants of the Town of Walpole, praying that a Committee of this Court might be sent to view their situation and report the propriety of their being annexed to the Town of Dedham.

Ordered that the petitioners notify the Town of Walpole by serving the Town Clerk with a copy of their Petition and this Order, that they may shew cause, if any they have, on Tuesday the 16th day of February next, why the prayer thereof should not be granted. [*Passed January 25.*]

Mass.
Resolves,
Jan. Sess.,
chap. 75.

CHAPTER 397.

RESOLVE ON THE PETITION OF THE ASSESSORS OF FOXBOROUGH.

ON THE PETITION of the Assessors of the Town of Foxborough, setting forth that said Town has not been furnished with the late act requiring the taking a valuation of all the rateable estate of the several towns in this State, praying said town might yet have the aforesaid act sent them.

Legislative
Records of the
Council,
xxxix., 52.

Mass.
Archives,
ccxx., 317.

Mass.
Archives,
ccxx., 318.

Resolved that the prayer of said Petition be granted, and the Secretary is hereby directed to furnish said town with the aforesaid act and schedule accompanying said act, and a copy of this Resolve as soon as may be. And it is further

Resolved that the aforesaid Assessors be and hereby are directed to make return into the Secretary's Office, as soon as may be, of a list of all the polls and rateable estate belonging to said Town of Foxborough, as required in and by said act. [*Passed January 26.*]

CHAPTER 398.

RESOLVE RESPECTING SALE OF LOTTERY TICKETS.

Legislative
Records of the
Council,
xxxix., 52.
Mass.
Archives,
ccxx., 319.

IT BEING REPRESENTED to this Court that the Managers of the State Lottery are now ready to proceed to dispose of the Tickets in the Second Class of said Lottery, and it being of great importance that the monies arising from the said Lottery should be speedily lodged in the Treasury: Therefore

Resolved that the Managers of said Lottery be and they hereby are directed to proceed to dispose of the Tickets in the said Second Class with all possible despatch; and in order to expedite the sale they are directed to lodge a proportionable number of said Tickets in the hands of some suitable person in the several towns in this State, and that the sale be continued until the seventeenth day of March next, unless the Tickets are sooner disposed of; at which time should any Tickets remain unsold in the hands of such persons with whom they have been lodged, they shall seal them up in the presence of some Justice of the Peace, who is hereby required to certify on the outside of the paper inclosing said Tickets, the number of Tickets inclosed as also the numbers of each Ticket; and the person or persons possessed of such Tickets, shall return them to some one of the Managers without delay, who are hereby directed on receipt thereof to return the same, together with any they may have on hand, into the Treasurer's Office and take his receipt for the same, expressing the numbers so returned, and the said Managers are hereby directed to proceed to the drawing said Second Class without delay. And it is further

Resolved that the Managers of the said Lottery be and they hereby are permitted to receive for the Tickets in the Second Class of said Lottery, the two emissions of the Continental currency, dated May 20th, 1777, and April 11th, 1778. [*Passed January 26.*]

CHAPTER 399.

RESOLVE ALLOWING ADDITIONAL PAY TO OFFICERS AND MEN IN COL^O JACOBS' AND COL^O WADE'S REGIMENTS.

Legislative
Records of the
Council,
xxxix., 53.
Mass.
Archives,
ccxx., 321.

WHEREAS the officers and soldiers detached from the militia to do duty in Jacobs' and Wade's regiments by a Resolve passed the 20th of April, 1778, are not entitled to equal pay with other officers and soldiers in the same regiments:

Therefore

Resolved that there be allowed and paid out of the public Treasury to the officers and soldiers detached by the said Resolve passed the 20th of April last, to do duty in Jacobs' and Wade's

regiments, the same additional pay that is allowed the other officers and soldiers who have done duty in said regiments, said additional pay commencing the fifteenth day of July last. [*Passed January 26.*]

CHAPTER 400.

RESOLVE FOR PROCURING FLOUR, CORN, WHEAT, ETC.

WHEREAS it is of the highest consequence for government to bring into the State a large quantity of Flour and Bread Corn:

Resolved that there be immediately taken the most effectual measures to bring into this State a quantity of Flour, Wheat, Indian Corn, Rye and Rice, the surplus of what shall be necessary for the public stores to be sold immediately on its arrival for the relief of the necessitous; that for this purpose, a sum not exceeding Two hundred thousand pounds be immediately hired by the Treasurer, which sum shall be repaid in one month after the arrival of the articles aforesaid, if requested, or in six months from the date hereof; and to encourage the immediate loan of the money, those towns, the inhabitants whereof shall advance money for this purpose, shall have the preference in purchasing a just proportion of the Flour or other articles to be disposed of, regard being had to the necessities of such towns, as well as to the sums advanced by their inhabitants.

. It is further

Resolved that Caleb Davis, Azor Orne, George Williams, Eben^r Wales and Tristram Dalton, Esq^{rs}, be a Committee to execute this business; who are directed to give private gentlemen what encouragement they may judge will consist with the interest of the State, to induce them to employ their own vessels for bringing any part of said Flour or other articles; they are also directed to take proper measures for purchasing in Connecticut, New York and the Jerseys, and bringing into this State by land such part of the above quantity of Flour and other articles as they may judge proper; and they are further impowered and directed to take such other measures, as to them shall seem best, for compleating this business, which they are required to do with the utmost dispatch and to make report of their doings as soon as may be. [*Passed January 26.*]

Legislative
Records of the
Council,
xxxix., 54.
Mass.
Archives,
ccxx., 322.
Mass.
Archives,
cclxxv., 6.

CHAPTER 401.

RESOLVE ON THE PETITION OF SARAH PECKER.

ON THE PETITION of Sarah Pecker, praying for leave to go to her husband at New York.

Resolved that the prayer of said Petition be granted, and that the said Sarah Pecker be permitted to go to New York, by the way of Newport, not to return again to this State. [*Passed January 26.*]

Legislative
Records of the
Council,
xxxix., 54.
Mass.
Archives,
ccxx., 324.
Mass.
Archives,
ccxx., 324.

CHAPTER 402.

RESOLVE ON THE PETITION OF CAPT. JOSEPH DURFEE.

Legislative
Records of the
Council,
xxxix., 54.
Mass.
Archives,
ccxx., 326.

ON THE PETITION of Capt. Joseph Durfee, praying for allowance and payment for himself and a number of men under his command, who served as a guard at Fall River in Freetown, as set forth in said Petition, in the year 1778.

Mass.
Archives,
ccxx., 327.

Resolved that there be allowed and paid out of the public Treasury of this State to Capt Joseph Durfee, the sum of Twelve pounds per month, and to each man the sum of Four pounds, thirteen shillings per month, and the Committee on Rolls are directed to examine and pass his Roll accordingly. [*Passed January 26.*]

CHAPTER 403.

RESOLVE FOR RAISING 400 MEN TO SERVE AS GUARDS IN AND ABOUT BOSTON.

Legislative
Records of the
Council,
xxxix., 55.
Mass.
Archives,
ccxx., 329.

WHEREAS Major General Gates by his Letter of the first instant has represented to this Court that he stands in need of a number of men to guard the works and magazines in and about Boston: Therefore

Mass.
Archives,
cc., 281;
ccclxxxv., 5.

Resolved that four hundred men, including officers, be immediately raised by inlistment in this State and formed into four companies, to do duty in and about Boston under the command of Gen^l Gates for the term of three months after their arrival in camp respectively, unless sooner discharged; to be upon the Continental establishment, and over and above that, to be allowed and paid by this State to each Captain, the sum of Six pounds; to each Lieutenant, the sum of Five pounds; and to each non-commissioned officer and private soldier, the sum of Eight pounds for each calendar month during the time of their continuance in said service; and each non-commissioned officer and private soldier shall equip himself with a good Fire Arm and bayonet, a Cartridge box, Knapsack, Blanket and Canteen, except such as shall produce a certificate from the officer that he is inlisted and is not able to furnish himself with a Fire Arm and bayonet; in that case the Board of War are hereby directed to furnish any such soldier with a Fire Arm and bayonet, the aforesaid officer giving his security to the Board of War for the value of said Fire Arm and bayonet to be paid to said Board of War, stopt out of such soldiers wages as shall receive the same; and that no non-commissioned officer or private soldier be allowed to pass muster unless equipped and provided as aforesaid, and that the men so raised and equipped immediately march to Boston, to do duty under the command of the aforesaid General, each company to be commanded by one Captain, two Lieutenants and a proper number of non-commissioned officers.

And whereas great inconveniences have heretofore arisen by reason of persons being commissioned, who had received inlisting orders to raise a company of soldiers and did not inlist the same: Therefore

Resolved that the Council be and they are hereby requested not to give out commissions to any person or persons that have received inlisting orders in consequence of the foregoing Resolve, unless they inlist the following number of men, viz. a Captain,

twenty-five; first Lieutenant, twenty, and second Lieutenant, fifteen; and in case any person shall enlist part of the corps of men assigned him, but not a sufficient number to obtain a commission in fifteen days from the time he receives Beating Orders, in that case he shall receive for each man so enlisted and mustered, the sum of Twenty four shillings for his trouble.

Resolved that the Hon^{ble} Council be requested to give orders to the Brigadiers of the Counties of Plymouth and Bristol, directing them to hold their Brigades in readiness to march to Rhode Island on the shortest notice to reinforce Gen^l Sullivan, in case of an attack from the enemy in that quarter. And it is further

Resolved that the Board of War be and they hereby are directed to receive the sum of Six pounds for each Fire Arm and bayonet they shall deliver in consequence of this Resolve and no more.

Resolved that the following be the form of an Inlistment and Beating Orders for raising the four hundred men abovementioned, viz.

Beating Orders.

To

Gentlemen,

Greeting:

You are empowered immediately to enlist a Company to consist of ninety seven ablebodied effective men, including eight Sergeants, eight Corporals, one Drum, one Fife, and seventy nine Privates, as soldiers in the service of this State for the term of three months after their arrival in camp respectively, unless sooner discharged.

Inlistment.

We, the Subscribers do severally inlist ourselves into the service of the State of Massachusetts Bay, to serve in a Company whereof _____ is Captain, for the term of three months from our arrival in camp, unless sooner discharged, and each of us do engage to furnish and carry with us into the service a good and effective Fire Arm and bayonet, Cartridge box, Knapsack, Blanket and Canteen or wooden Bottle; and when formed we engage to march to Boston and hereby oblige ourselves faithfully to observe and obey all such orders as we shall from time to time receive from the officers that are or shall be appointed over us, and to be subject to such regulations as are provided for the Continental Army.

Dated this

Day of

1779.

Resolved that the Hon^{ble} Council be and hereby are requested to give out Beating Orders agreeable to the above form to such persons as they shall judge proper. [*Passed January 26.*]

CHAPTER 404.

RESOLVE FOR ALLOWING THE ACCOUNTS OF SELECTMEN FOR
TRANSPORTING CLOTHING TO THE ARMY.

Resolved that the Committee on Accounts be and they hereby are directed to examine and allow the accounts of the Selectmen of the several towns within this State, who have at their own expence transported Cloathing to the Continental Army, they producing proper vouchers that the same have been so delivered, agreeable to a Resolve of the late General Court. [*Passed January 27.*]

Legislative
Records of the
Council,
xxxix., 57.
Mass.
Archives,
ccxx., 331.

CHAPTER 405.

RESOLVE DIRECTING CONSTABLES AND COLLECTORS NOT TO RECEIVE BILLS OF THE EMISSIONS OF MAY 20, 1777, AND APRIL 11, 1778, EXCEPT FOR CONTINENTAL TAXES.

Legislative
Records of the
Council, xxxix., 57.
Mass.
Archives, ccxx., 332.

Mass.
Archives, ccxx., 291.

WHEREAS Congress did on the 2^d of January current resolve that the following Bills of Credit be taken out of circulation, namely, the whole emissions of May 20, 1777, and April 11, 1778, and there being great danger that designing persons, for the sake of their private interest, will take such measures as will fill the Treasury with Bills of those emissions only, to the great damage of the soldiers and others who have done services for the public: Therefore

Resolved that the Constables and Collectors of Taxes throughout this State be and they are hereby directed not to receive any of the Continental Bills dated the 20th of May, 1777, or the 11th of April, 1778, excepting for Continental taxes, as those Bills will not be received by the Treasurer of this State for State taxes, excepting upon such conditions and under such regulations as this Court shall hereafter order.

Ordered that the Secretary cause the foregoing Resolve to be forthwith published in the Boston and Worcester News Papers. [*Passed January 27.*]

CHAPTER 406.

RESOLVE DIRECTING THE TREASURER NOT TO RECEIVE CERTAIN EMISSIONS OF CONTINENTAL BILLS OF CREDIT.

Legislative
Records of the
Council, xxxix., 58.
Mass.
Archives, ccxx., 334.

Resolved that the Treasurer be and he is hereby directed not to receive into the Treasury for State taxes after the passing this Resolve, any Continental Bills of the emissions of the 20th of May, 1777, or of the 11th of April, 1778, until the further order of this Court. [*Passed January 27.*]

CHAPTER 407.

RESOLVE IMPOWERING CHARLES DIBBLE AND WILLIAM WALKER, ADMINISTRATORS, TO MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council, xxxix., 58.
Mass.
Archives, ccxx., 335.

Mass.
Archives, ccxx., 336-338.

ON THE PETITION of Charles Dibble and others, Administrators on the estate of Augustin Bryant, late of Lenox, in the County of Berkshire, deceased, praying that they may have liberty to sell a certain tract of land in Lenox aforesaid, containing about one hundred and ten acres, for the discharge of a certain mortgage upon said land, as set forth in their Petition.

Resolved that Charles Dibble and William Walker, Administrators on the estate of Augustin Bryant, late of Lenox, in the County of Berkshire, deceased, be and they are hereby empowered to make sale of a tract of land in the said Town of Lenox, containing about one hundred and ten acres, which land said Augustin Bryant died seized of, for the most the same will fetch, and make and execute a good and sufficient deed or deeds of sale of the same; they the said Charles Dibble and William Walker first having the consent or making satisfaction to Samuel Hopkins, of Hadley, in the County of Hampshire, Clerk, to whom said land is mortgaged; and also give proper security to the Judge of Probate

for the said County of Berkshire, that the neat proceeds arising by said sale or sales, after the discharge of the said mortgage, shall be settled with said Judge of Probate according to the laws of this State respecting the settlement of intestate estates. [*Passed January 28.*]

CHAPTER 408.

RESOLVE DIRECTING OLIVER WENDELL, ESQ^r, TO DELIVER CERTAIN VOUCHERS TO THE COMMITTEE ON ACCOUNTS.

WHEREAS Oliver Wendell, Esq^r, is possessed of a number of original vouchers for Bounties paid by this State to soldiers in the Continental Army, and has also in his possession other original papers, which he received by virtue of his being Chairman of a Committee of the House of Representatives in the years 1777 and 1778, to settle with those other Committees of the General Court, who had received monies of the Treasurer for public use and had not accounted for the same; and whereas the business of the above Committee is now devolved on the Committee of Accounts, and it is now become necessary they should have said vouchers and other original papers in order to compleat the settlements began by the first mentioned Committee:

Legislative
Records of the
Council,
xxxix., 59.
Mass.
Archives,
ccxx., 339.

Resolved that Oliver Wendell, Esq^r, be and he hereby is directed to deliver to the Committee of Accounts all such vouchers and other original papers in his keeping, which said Committee shall demand of him, and which are necessary to their compleating a settlement with persons who have received monies out of the Treasury and have not accounted for the same; and the Chairmain of the Committee of Accounts shall give him, the said Wendell, a receipt for such vouchers and other papers so delivered. [*Passed January 28.*]

CHAPTER 409.

RESOLVE DIRECTING COMMITTEE TO SETTLE CERTAIN ACCOUNTS.

Resolved that the Committee appointed for stating the accounts of this State be and they hereby are directed to call on and settle with the several persons who have been appointed as a Committee to purchase and send forward Slops and Small Stores for the army; also the several Waggon-Masters or Conductors, who have been appointed to transport the same and likewise with the Commissaries who have been appointed to distribute them to the army. And the said Auditors are hereby directed to report to the General Court, as soon as may be, the state of said accounts. [*Passed January 28.*]

Legislative
Records of the
Council,
xxxix., 60.
Mass.
Archives,
ccxx., 350.

CHAPTER 410.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER CLOTHING TO WILLIAM LYMAN, DEPUTY COMMISSARY.

Resolved that the Board of War be and they hereby are directed to deliver to William Lyman, Deputy to Levi Shephard, Esq^r, Commissary for this State, so much of the Donation Cloathing as will be sufficient to make up the deficiency of those articles for that part of the Continental Army raised in this State, who are now doing duty in the State of Rhode Island. [*Passed January 28.*]

Legislative
Records of the
Council,
xxxix., 60.
Mass.
Archives,
ccxx., 351.

CHAPTER 411.

RESOLVE ON THE PETITION OF REV^d ENOS HITCHCOCK.

Legislative
Records of the
Council,
xxxix., 60.
Mass.
Archives,
ccxx., 352.

ON THE PETITION of the Rev^d Enos Hitchcock, praying that the Board of War might be directed to furnish him with certain cloathing.

Resolved that the Board of War be and they hereby are directed to deliver to the Rev^d Enos Hitchcock, cloath enough for one suit of cloathes, one outside garment, two pair of stockings and linnen enough for two shirts, he paying for the same, at the rate that the Field officers of the fifteen battalions paid for the cloathing lately supplied to them. [*Passed January 28.*]

CHAPTER 412.

RESOLVE IMPOWERING JANE MANN, ADMINISTRATRIX, TO EXECUTE A DEED.

Legislative
Records of the
Council,
xxxix., 60.
Mass.
Archives,
ccxx., 353.

Mass.
Archives,
ccxx., 354, 355.

ON THE PETITION of Jane Mann, of Murrayfield, in the County of Hampshire, Administratrix on the estate of Nathan Mann, late of Murrayfield aforesaid, deceased, praying that she may be impowered to make and execute a good and lawful deed of sale of fifty acres of land in Murrayfield aforesaid to one Ebenezer Doud, who had an obligation therefor from said Nathan Mann and has paid for the same, as set forth in her Petition.

Resolved that Jane Mann, of Murrayfield, in the County of Hampshire, Administratrix on the estate of her late deceased husband, Nathan Mann, be and she hereby is impowered to make and execute a good and lawful deed of sale of fifty acres of land in Murrayfield aforesaid to Ebenezer Doud, of said Murrayfield; said fifty acres of land being at the West end of Lot N^o 90 in the first division of Lots in said Murrayfield, in consideration of an obligation said Nathan Mann in his lifetime gave to said Doud for such a deed, and said Doud's payment therefor according to bargain. [*Passed January 28.*]

CHAPTER 413.

RESOLVE ON THE PETITION OF MAJOR PETER HARWOOD.

Legislative
Records of the
Council,
xxxix., 61.
Mass.
Archives,
ccxx., 356.

Mass.
Archives,
ccxx., 357.

ON THE PETITION of Peter Harwood, Brigade Major, requesting an order from this Court on the Board of War for some cloathing for himself.

Resolved that the prayer of the Petition be granted, and that the Board of War be directed to deliver to the said Peter Harwood, one suit of cloathes, or such a part thereof as he shall desire, he paying for the same at the same price as others have done in like standing. [*Passed January 28.*]

CHAPTER 414.

RESOLVE ON THE PETITION OF SARAH PETTINGILL.

ON THE PETITION of Sarah Pettingill, of Newbury, in the County of Essex, Administratrix (de bonis non) of the estate of Henry Pettingill, late of Newbury Port in said County, deceased, praying that she may be impowered to sell one moiety of a small piece of land, the whole containing about one acre and one third part of an acre, in Newbury Port aforesaid, for the reasons set forth in her Petition.

Legislative
Records of the
Council,
xxxix., 59.
Mass.
Archives,
ccxx., 342.
Mass.
Archives,
ccxx., 344-349.

Resolved that Sarah Pettingill, of Newbury, in the County of Essex, Administratrix (de bonis non) of the estate of Henry Pettingill, late of Newbury Port, in the County aforesaid, deceased, be and she hereby is impowered to sell for the most the same will fetch, one moiety or half part of a piece of land in said Newbury Port, the whole being bounded as follows, viz. Southerly on King street, Southwesterly on land of Daniel Plummer and others, Northwesterly on land of Edmund Sweet and others, and North-easterly on land of Mr Norton and Samuel Gerrish; and make and execute a good and lawful deed or deeds of the same; she giving proper security to the Judge of Probate for the said County of Essex, that the neat proceeds arising by said sale shall be applied for the payment of the said Henry's debts; and the surplus, if any there be, shall be paid to such legatee or legatees as would have inherited the said piece of land by virtue of the last will and testament of the said Henry if this Resolve had not passed. [*Passed January 28.*]

CHAPTER 415.

RESOLVE DIRECTING THE BOARD OF WAR TO MAKE USE OF ARTICLES SAVED FROM THE WRECK OF THE SOMERSET.

Resolved that the Board of War be and they are hereby impowered and directed to make use of such of the articles saved from the wreck of the Somerset, Ship of War, as are or may be wanted for the building and fitting out the ship building for this State at Newbury Port, or any other vessel building or fitting out by this State, causing them to be appraised by three indifferent persons and taking an exact account of the same. [*Passed January 29.*]

Legislative
Records of the
Council,
xxxix., 62.
Mass.
Archives,
ccxx., 358.
Mass.
Archives,
ccxxxv., 7.

CHAPTER 416.

RESOLVE FOR RAISING MEN FOR DEFENCE OF THE SEACOAST.

WHEREAS the time for which the guards were inlisted to serve at the several places on the Seacoasts in this State expired on the last day of December last: Therefore

Resolved that there be raised in the County of Cumberland and stationed at Falmouth and Cape Elizabeth, forty men, including officers, viz. one Captain, one sergeant, one corporal, two gunners and thirty five matrosses. And it is further

Resolved that there be raised in the County of Essex and stationed at the Fort on Plumb Island, one sergeant and six matrosses; and that there be raised and stationed at Gloucester, one Captain,

Legislative
Records of the
Council,
xxxix., 62.
Mass.
Archives,
ccxx., 359.

one sergeant, one corporal, one gunner and twenty six matrosses; at Beverly, one sergeant, one gunner and six matrosses; at Salem, one sergeant, one gunner and eight matrosses; at Marblehead, one sergeant, one gunner and eleven matrosses.

Resolved that there be raised in the County of Bristol and stationed at Dartmouth, one Lieutenant, one sergeant, one gunner and twenty matrosses; and that there be raised and stationed at the Gurnet in the County of Plymouth, one Lieutenant, one sergeant, one gunner and twenty two matrosses. And it is further,

Resolved that there be allowed and paid to each of the officers and soldiers aforesaid for wages, for every calendar month during their continuance in said service, the following sums respectively, viz. to each Captain, Fifteen pounds; to each Lieutenant, Ten pounds; to each sergeant, Seven pounds, ten shillings; to each corporal, Seven pounds; to each gunner, Seven pounds, ten shillings; to each matross, Six pounds. And it is further

Resolved that the wages of the men who shall be raised and stationed in the several sea ports, agreeable to this Resolve, shall commence two days before their marching from their respective homes for the posts to which they shall be stationed, and shall continue in said service until the last day of December next, unless sooner discharged. And it is further

Resolved that the Council be and hereby are desired to appoint suitable persons to provide for and supply the aforesaid men at the several stations with such provisions as are allowed the men in the Continental Army.

And it is further

Resolved that the Colonel or commanding officers of the regiments of Militia in which any part of the aforesaid men shall be stationed agreeable to this Resolve, are hereby impowered and directed to muster the men to be stationed within their regiments respectively, and to approve of none but such as are of able body and who are provided with a good effective Fire Arm, Bayonet, Cartridge box and Canteen or wooden Bottle, and that they give general directions to the officer who immediately commands such party, and see that the men are kept to their duty, and make quarterly returns to the Council of their state and number.

And it is further

Resolved that the Council be impowered and requested to appoint all the officers mentioned in these Resolves. And it is further

Resolved that there be allowed and paid to the men who have done duty at either of the places aforesaid by order of Council since the last day of December last, the same wages and rations as are allowed the men to be raised by this Resolve; said pay and rations to continue till the men to be raised by this Resolve shall be inlisted. [*Passed January 29.*]

CHAPTER 417.

RESOLVE IMPOWERING JUSTUS JEWELL, GUARDIAN, TO MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council,
xxxix., 63.

ON THE PETITION of Rebecca Jewell and others, of Dudley, in the County of Worcester, praying for liberty to sell the real estate, consisting of a tan yard and a small other real estate, which did belong to Archibald Jewell, deceased, for the reasons set forth in their Petition.

Resolved that Justus Jewell, of Dudley, in the County of Worces-

ter, Guardian to Mary Bacon, of said Dudley, a minor, be, and he hereby is impowered to sell for the most the same will fetch, all the share or right the said Mary Bacon hath of, in and unto the estate that did belong to her late deceased grandfather Archibald Jewell, at the time of his death, in Dudley aforesaid, the same being left intestate; and make and execute a good and lawful deed or deeds of the same, he, the said Justus Jewell, giving good security to the Judge of Probate for the said County of Worcester, that the monies arising by said sale shall be laid out in land for the best advantage of the said minor, or improved otherwise as said Judge shall order. [*Passed January 29.*]

Mass.
Archives,
ccxx., 362.

Mass.
Archives,
ccxx., 363.

CHAPTER 418.

RESOLVE ON THE PETITION OF MAJOR SETH WASHBURN.

ON THE PETITION of Majr Seth Washburn, praying for compensation for damages he sustained by his horse being wounded and lamed when on a journey to Pittsfield by order of this Court.

Resolved that there be allowed and paid out of the public Treasury to Majr Seth Washburn, the sum of Thirty five pounds, in full of the said damages. [*Passed January 29.*]

Legislative
Records of the
Council,
xxxix., 64.
Mass.
Archives,
ccxx., 379.

Mass.
Archives,
ccxx., 380, 381.

CHAPTER 419.

RESOLVE ON THE PETITION OF WILLIAM HUNT.

ON THE PETITION of William Hunt, praying for an allowance for his services at the Court of Sessions in the County of Middlesex.

Resolved that the Justices of the Court of General Sessions of the Peace, within and for the County of Middlesex, be and they hereby are impowered to make such allowance to the said William Hunt for his services in said County as attorney to the State, as to them shall appear reasonable, and that they order the same to be paid out of the Treasury for said County. [*Passed January 29.*]

Legislative
Records of the
Council,
xxxix., 64.
Mass.
Archives,
ccxx., 365.

Mass.
Archives,
ccxx., 366.

CHAPTER 420.

RESOLVE ON THE PETITION OF JOHN ADAMS AND OTHERS.

ON THE PETITION of John Adams and others, praying for reasons set forth in their Petition, that they and the tracts of land belonging to them in the Town of Great Barrington, may be set off from said town and annexed to the Town of Alford.

Resolved that the prayer of the Petition be granted, and that the said John Adams and others, the within petitioners, and their lands as described in said Petition, be and hereby are set off from the aforesaid Town of Great Barrington and annexed to the Town of Alford, and that they have leave to bring in a Bill accordingly. [*Passed January 29.*]

Legislative
Records of the
Council,
xxxix., 64.
Mass.
Archives,
ccxx., 369.

Mass.
Archives,
ccxx., 367-372.

CHAPTER 421.

RESOLVE IMPOWERING BENJAMIN FULLER, GUARDIAN, TO MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council,
xxxix., 65.
Mass.
Archives,
ccxx., 373.

Mass.
Archives,
ccxx., 374, 374½.

ON THE PETITION of Benjamin Fuller, of Weston, in the County of Middlesex, Guardian to his daughter Hannah Fuller, an infant, praying that he may be authorized and empowered to make sale of three tracts of land belonging to said infant, containing eight acres and sixteen rods, for the reason set forth in said petition.

Resolved that said Benjamin Fuller be, and he hereby is authorized and empowered (in his said capacity) to make sale of the above mentioned land for the most the same will fetch, and execute a good deed or deeds of the same; he giving proper security to the Judge of Probate for the County of Middlesex aforesaid, that the money arising by said sale after necessary charges are paid, shall be put and kept to interest for the said infant till she arrives at lawful age, or he be otherwise legally discharged from being her Guardian. [*Passed January 29.*]

CHAPTER 422.

RESOLVE ON THE PETITION OF PRINCE TUPPER AND JOHN JENNINGS.

Legislative
Records of the
Council,
xxxix., 65.
Mass.
Archives,
ccxx., 375.

Mass.
Archives,
ccxx., 377.

WHEREAS Prince Tupper and John Jennings, inhabitants of the Town of Sandwich, in the County of Barnstable, who were committed to the goal in said County for refusing to take the Oath of Fidelity and Allegiance to this State, have made application to this Court, confessing their error in that refusal, acknowledging their obligation to take said Oath and praying liberty therefor:

Therefore

Resolved that any Justice of the Peace for the County of Barnstable be and he is hereby empowered to administer the Oath of Fidelity and Alligiance to this State to the said Prince Tupper and John Jennings, provided they shall each of them produce a certificate from the Selectmen and Committee of Correspondence, Inspection and Safety for the Town of Sandwich, certifying that they have sufficient reason to believe that the said Prince Tupper and John Jennings will not counteract the measures taken for the defence of the Country in any respect but will demean themselves as good subjects of this State, and that they apprehend no danger will accrue to the State or individuals by their enlargement; and shall give bonds in the sum of One thousand pounds each, with sufficient sureties, to the Treasurer of this State, for their demeaning themselves accordingly and that they will be of good behaviour during the war to the inhabitants of the Town of Sandwich and of this State and will not associate themselves with persons inimical to this country; and thereupon the keeper of said goal is hereby directed to discharge the said John Jennings and Prince Tupper from confinement, they first paying the legal charges that have arisen on their commitment, any law to the contrary notwithstanding. [*Passed January 29.*]

CHAPTER 423.

RESOLVE DIRECTING THE BOARD OF WAR TO SUPPLY CLOTH TO
MAJOR PETER HARWOOD.

Resolved that the Board of War deliver Peter Harwood, Major of Brigade, cloth for a loose coat, he paying the same price therefor that others pay in like cases. [*Passed January 29.*]

Legislative
Records of the
Council,
xxxix., 66.
Mass.
Archives,
ccxx., 382.

CHAPTER 424.

RESOLVE ON THE PETITION OF LIEUT. THOMAS PRITCHARD.

ON THE PETITION of Thomas Pritchard, Lieutenant in Col. Greateon's regiment, praying for the State bounty for one Thomas Purdy, a soldier inlisted by him into the Continental service as a soldier for this State.

Resolved that the Muster Master for the County of Suffolk be directed to pay the said Thomas Purdy the State bounty, agreeable to the prayer of the petitioner. [*Passed January 30.*]

Legislative
Records of the
Council,
xxxix., 67.
Mass.
Archives,
ccxx., 386.

Mass.
Archives,
ccxx., 387, 388.

CHAPTER 425.

RESOLVE TO SUPPLY OFFICERS OF COL^O MARSHALL'S REGIMENT
WITH CLOTHING AND ALLOW STATE BOUNTY TO NINE MONTHS
RECRUITS.

ON THE PETITION of Colonel Thomas Marshall, in behalf of himself and the officers of his battalion.

Resolved that the Board of War be and they hereby are directed to supply the commissioned officers of Col^O Thomas Marshall's regiment with cloathing, agreeable to a Resolve of this Court of the 17th of June last, previous to the officers of any other regiment being supplied.

Resolved that the Council be impowered and requested to order payment of this State's bounty to any non-commissioned officer or soldier that has or may inlist into any of the fifteen battalions from the nine months recruits, they producing a certificate from any of the Continental Muster Masters of their having been inlisted and mustered by them; which certificate shall be underwrote by the Colonel or commanding officer of the regiment in which such recruit has inlisted, certifying that such a Muster Master is appointed by authority for the purpose of mustering Continental soldiers. [*Passed January 30.*]

Legislative
Records of the
Council,
xxxix., 67.
Mass.
Archives,
ccxx., 383.

Mass.
Archives,
ccxx., 384, 384½;
eclxxxv., 8.

CHAPTER 426.

APPOINTMENT OF FIELD OFFICERS OF THE 7TH WORCESTER
COUNTY REGIMENT.

In the House of Representatives.

The House made choice by ballot of the following Gentlemen as Field Officers for the seventh Regiment of Militia in the County of Worcester, viz.

Legislative
Records of the
Council,
xxxix., 67.

Mass.
Archives,
ccxx., 385.

Jonathan Grout	Colonel
Daniel Clap	Lieut. Colonel
William Marean	first Major
Benjamin Nye	second Major.

In Council
Read and concurred. [*Passed January 30.*]

CHAPTER 427.

RESOLVE ON THE PETITION OF INHABITANTS OF CHARLEMONT AND OTHERS.

Mass.
Resolves,
Jan. Sess.,
chap. 106.

ON THE PETITION of the inhabitants of the Plantation called No-Town and that part of Charlemont on the South side of Deerfield River and east of Number Seven.

Resolved that the petitioners notify the inhabitants of Charlemont, that they may shew cause, if any they have, on the first Wednesday of the next sitting of this Court, why the prayer of said Petition should not be granted, by leaving a copy of their Petition with this Order thereon with the Town Clerk of Charlemont at least twenty days before said sitting; also that they notify all the non-resident Proprietors of said lands, by serving some one of them with a copy of this Petition and Order within said term. [*Passed January 30.*]

CHAPTER 428.

RESOLVE IMPOWERING MARY NOYES, ADMINISTRATRIX, TO MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council,
xxix., 68.
Mass.
Archives,
ccxx., 391.
Mass.
Archives,
ccxx., 391½-393.

ON THE PETITION of Samuel Noyes, of Newbury, in the County of Essex, praying that Mary Noyes, of Newbury aforesaid, Administratrix of the estate of her late deceased husband, John Noyes, may be empowered to make him, the said Samuel Noyes, a firm and indisputable title of a piece of land in Newbury aforesaid, containing about twelve acres, for the reasons set forth in his Petition.

Resolved that the above named Mary Noyes be and she is hereby empowered and directed to make and execute a quit claim deed of all the right, [title and]¹ interest the said John Noyes had, at the time of his decease, in and [unto the]¹ abovementioned piece of land, containing about twelve acres, to [the afore]said¹ Samuel Noyes, his heirs and assigns, in consequence of the bargain [set]¹ forth in his Petition. [*Passed February 1.*]

CHAPTER 429.

RESOLVE ALLOWING £10,000 TO THE COMMITTEE FOR SUPPLYING SMALL STORES, ETC.

Legislative
Records of the
Council,
xxix., 68.

Resolved that there be paid out of the Treasury of this State to Caleb Davis, Esq^r, and others, a Committee for supplying the army with Small Stores, the sum of Ten thousand pounds, to enable them to procure and send forward stores to the army with-

¹ Text inserted from Legislative Records of the Council.

out loss of time, said Committee to be accountable for the sums they shall respectively receive. Also

Resolved that said sum be paid them out of the first money that shall be in the Treasury. [*Passed February 1.*]

Mass.
Archives,
ccxx., 395.

Mass.
Archives,
ccxx., 396.

CHAPTER 430.

RESOLVE GRANTING ADDITIONAL PAY TO THE COMMITTEE FOR METHODIZING ACCOUNTS.

ON THE PETITION of Mess^{rs} John Demming, Peter Boyer and William Bant, the Committee appointed to methodize and settle the public accounts.

Resolved that there be allowed and paid out of the public Treasury of this State to the said John Demming, Peter Boyer and William Bant, Six shillings per day each, in addition to the Thirty shillings heretofore granted to them for their services on said Committee to the first day of January current; and that there be allowed and paid to said Committee Fifty shillings per day each, from the said first day of January till the further order of this Court. [*Passed February 1.*]

Legislative
Records of the
Council,
xxxix., 68.

Mass.
Archives,
ccxx., 397.

Mass.
Archives,
ccxx., 398.

CHAPTER 431.

RESOLVE ON THE PETITION OF WILLIAM LITHGOW, JUN^r.

Resolved that the Committee of Sequestration deliver William Lithgow, Jun^r, Bacon's Abridgment, Blackstone's Commentaries and Lilly's Entries, he paying for the same what they may be apprizd at by persons appointed by the said Committee for that purpose. [*Passed February 2.*]

Mass.
Archives,
ccxx., 401.

Mass.
Archives,
ccxx., 400.

CHAPTER 432.

RESOLVE ON THE PETITION OF ELIZABETH BEAMAN.

ON A PETITION of Elizabeth Beaman, praying that she may be permitted to go to New York by the way of Newport.

Resolved that the prayer of said Petition be granted, and that the said Elizabeth Beaman, with her family, be and they hereby are permitted to leave this State and proceed to Newport, in the State of Rhode Island, by the way of Providence and that she, or either of her children, do not return to this State without leave first obtained of the General Court. [*Passed February 3.*¹]

Legislative
Records of the
Council,
xxxix., 69.

Mass.
Archives,
ccxx., 407.

Mass.
Archives,
ccxx., 408.

CHAPTER 433.

RESOLVE DIRECTING COMMITTEE TO PREPARE AN ACCOUNT OF DISBURSEMENTS FOR THE UNITED STATES.

WHEREAS it is of importance that the account of disbursements made by this State for the United States of America be speedily adjusted and settled; and whereas the Committee appointed by

Legislative
Records of the
Council,
xxxix., 69.

¹ This date is February 2 according to Legislative Records of the Council.

Mass.
Archives,
ccxx., 410.

this Court for that purpose cannot attend thereto so steadily as the business requires: Therefore

Resolved that George Partridge and John Greenough, Esq^{rs}, be excused from the business assigned them of preparing the account of disbursements of this State against the United States, and that Messrs William Bant, Peter Boyer and John Demming, the Committee to methodize and state the accounts of this State, be and they are hereby directed to bring forward and prepare the said account of disbursements against the United States. And whereas the said Messrs Bant, Boyer and Demming may need further assistance in performing this additional service:

Resolved that the said Messrs Bant, Boyer and Deming be and they hereby are empowered to hire one or more clerks on the best terms they can, to assist them in the business of their office, and so to bring forward a settlement of the said account of disbursements against the United States of America as soon as possible. [*Passed February 3.*]¹

CHAPTER 434.

RESOLVE RESPECTING THE LETTERS, ETC., OF THE FORMER GOVERNOR, THOMAS HUTCHINSON.

Legislative
Records of the
Council,
xxxix., 71.
Mass.
Archives,
ccxx., 416.

WHEREAS it may be hereafter of great importance to this State to have safely preserved the letters and papers found in the dwelling house of Thomas Hutchinson, Esq^r, late Governor of this State: It is therefore

Mass.
Archives,
ccxi.-ccxlii.

Resolved that Jedediah Marcy, Esq^r, be and he hereby is appointed to receive of such person or persons as have the same in their hands, all letters and papers found in the said Hutchinson's house, and to lodge the same in the Secretary's office, and all persons who are in possession of such letters and papers are required to deliver the same to the said Jedediah Marcy upon demand. [*Passed February 3.*]

CHAPTER 435.

RESOLVE ALLOWING £1,000 TO JOHN AVERY, JUN^r, DEPUTY SECRETARY.

Legislative
Records of the
Council,
xxxix., 71.
Mass.
Archives,
ccxx., 412.

Resolved that there be paid out of the public Treasury to John Avery, Jun^r, Esq^r, Deputy Secretary of this State, the sum of One thousand pounds, in full for his faithful services to the first day of January last. [*Passed February 3.*]

CHAPTER 436.

RESOLVE ALLOWING £1,200 TO HENRY GARDNER, ESQ^r, TREASURER.

Legislative
Records of the
Council,
xxxix., 71.
Mass.
Archives,
ccxx., 413.

Resolved that there be paid out of the public Treasury to the Hon^{ble} Henry Gardner, Esq^r, for his services as Treasurer of this State, in full to the first day of January last, the sum of Twelve hundred pounds. [*Passed February 3.*]

¹ This date is February 2 according to Legislative Records of the Council.

CHAPTER 437.

RESOLVE ON THE PETITION OF MOSES HAYDEN AND OTHERS.

ON THE PETITION of Moses Hayden and thirty seven others, inhabitants of Conway, praying that a tax made in the same town for the purpose of making an average in the expence of the present war amongst said inhabitants may be made null and void.

Mass.
Resolves,
Jan. Sess.,
chap. 117.

Resolved that the petitioners serve the Clerk of said Town of Conway with a copy of said Petition and this Resolve, that the said town shew cause (if any they have) on the second Wednesday of the next sitting of this Court, why the prayer thereof should not be granted, and that in the meantime the Assessors, Constables or Collectors of the said town stop all further proceedings on said tax till the further order of this Court. [*Passed February 3.*]

CHAPTER 438.

ORDER FOR SETTLEMENT OF THE ACCOUNTS OF THE COMMITTEE FOR FORTIFYING BOSTON HARBOR.

ON THE MEMORIAL of the Committee for fortifying Boston Harbor, praying that a Committee may be appointed to settle their accounts.

Mass.
Archives,
ccxx., 411a.

Ordered to be committed to M^r William Bant and others, the Committee for stating and settling Accounts. [*Passed February 3.*]

Mass.
Archives,
ccxx., 411.

CHAPTER 439.

CIVIL OFFICERS APPOINTED FOR THE ENSUING YEAR.

Treasurer and Receiver-General. Hon. Henry Gardner, Esq.
Commissary General. Richard Devens, Esq.
Notaries Public.

Legislative
Records of the
Council,
xxxix., 72-74.

For the county of Suffolk.

Ezekiel Price

Henry Allyne, Jun^r.

For the county of Essex.

Edward Norrice

Samuel Sawyer

William Atkins

Joshua Orne

James Porter.

For the county of Middlesex. Stephen Hall.

For the county of Plymouth. Ephraim Spooner.

For the county of Barnstable.

Winslow Lewis

Nathaniel Shiverick

Richard Sears

Solomon Otis.

For the county of Bristol.

Elisha Tobey

William Brown.

For the county of York.

Daniel Moulton

Thomas Cutts.

For the county of Dukes County. John Pease.

For the county of Cumberland. John Frothingham.

For the county of Lincoln.

Samuel M^cCobb

John Page.

[*Passed February 3.*]

CHAPTER 440.

RESOLVE DIRECTING THE COMMITTEE FOR SUPPLYING SMALL STORES AND OTHERS TO PREPARE THEIR ACCOUNTS FOR SETTLEMENT.

Legislative
Records of the
Council,
xxxix., 77.
Mass.
Archives,
ccxx., 417.

Mass.
Archives,
ccxx., 419.

WHEREAS this Court have directed the Committee appointed to settle public accounts to settle with the Committee who have been appointed to purchase and send forward Small Stores to the army; and also the Waggon Masters who have been appointed to transport them; and also the Commissaries who have been appointed to issue them to the army: and whereas their accounts are so connected that it is necessary they should all be laid before said Committee before they can be properly adjusted or any of them: Therefore

Resolved that William Pynchon, Esq^r, Robert Breck, Esq^r, Mr Henry Hill, Capt. Ebenezer Lovell and Caleb Davis, Esq^r, who have been appointed a Committee to procure Small Stores; Oliver Pier, William More and Alexander Shephard, who have been appointed Waggon Masters; Mr John Goddard, appointed Conductor; and Capt. William Campbell, Hezekiah Smith, Esq^r, and Levi Shephard, Esq^r, appointed Commissaries; be and they hereby are directed to prepare and lay their several accounts with proper vouchers before the Committee aforesaid on or before the first Wednesday of April next; and said Committee are hereby directed to procure all such receipts and vouchers as relate to the above accounts that are in their power, in order that the said accounts may be duly settled. [*Passed February 4.*]

CHAPTER 441.

RESOLVE ON THE PETITION OF NATHANIEL BRIDGE AND OTHERS.

Legislative
Records of the
Council,
xxxix., 79.
Mass.
Archives,
ccxx., 432.

Mass.
Archives,
ccxx., 433.

ON THE PETITION of Nathaniel Bridge and others, representing to this Court that in the year One thousand Seven hundred and seventy one, the General Court granted unto the heirs or legal representatives of David Phips, Esq^r, and others, a Township in the Eastern parts of this State, on certain conditions set forth in said Petition; and that the commencement of the present war made it impossible for them to compleat the said conditions, and praying that a further time may be allowed them.

Resolved that the prayer of the Petition be granted, and that they be allowed the further term of seven years to compleat the conditions which are enjoined on them by a Resolve of the General Court. [*Passed February 5.*]

CHAPTER 442.

RESOLVE ON THE PETITION OF RHODA GOULDSBURY.

ON THE PETITION of Rhoda Gouldsbury, praying for liberty for herself and three children to go to Providence, or some other part of Rhode Island, where she may get a passage to Newport to live with her husband.

Resolved that the prayer of the Petition be so far granted, that she be and hereby is permitted to go with her children to the State of Rhode Island to get a passage to Newport, and that she carry with her such part of her household stuff and writings as the Selectmen of Franklin shall allow, and that they shall not return to this State without the liberty of this Court. [*Passed February 5.*]

Legislative
Records of the
Council,
xxxix., 79.
Mass.
Archives,
ccxx., 434.

Mass.
Archives,
ccxx., 435.

CHAPTER 443.

RESOLVE ALLOWING £36 TO ROGER HUNNIWELL.

ON THE PETITION of Roger Hunniwell, a Pensioner, praying that he may be relieved in his distressed circumstances.

Resolved that the prayer of the Petition be granted, and that there be paid out of the public Treasury to Roger Hunniwell, a Pensioner, or his order, the sum of Thirty six pounds, on account of the high prices of the necessaries of life at this time. [*Passed February 5.*]

Legislative
Records of the
Council,
xxxix., 80.
Mass.
Archives,
ccxx., 423.

Mass.
Archives,
ccxx., 424.

CHAPTER 444.

RESOLVE RESPECTING TWO EMISSIONS OF CONTINENTAL BILLS OF CREDIT.

WHEREAS Congress by their Resolution of the second of January last have taken out of circulation the Bills of Public Credit of the emissions of May 20, 1777, and April 11, 1778; and whereas this Court did on the twenty seventh of the same month direct the Treasurer of this State not to receive thereafter into the Treasury for State taxes any Bills of either of the emissions aforesaid until the further order of this Court; and whereas many Constables, Collectors and Sheriffs may have received for State taxes and to satisfy executions to them committed to collect, Bills of said emissions before they were directed by this Court not to receive such Bills therefor: It is therefore

Resolved that the Treasurer be and he hereby is directed to receive for State taxes of Constables, Collectors and Sheriffs, Bills of those emissions, if the Constable, Collector or Sheriff offering the same shall take the following oath, viz.

You A. B. solemnly swear that there is not to your knowledge among the money by you tendered a larger amount of the Bills of Credit emitted on May 20, 1777, and on the 11th of April, 1778, than was by you actually received in payment of the State taxes to you committed to collect (or on execution as the case may be) before you knew the same were prohibited to be taken into the Treasury of this State.

So help you God.

Legislative
Records of the
Council,
xxxix., 81.
Mass.
Archives,
ccxx., 425.

Mass.
Archives,
ccxx., 430,
430¹.

And for the easement of Collectors, Constables and Sheriffs.

Resolved that when a Collector, Constable or Sheriff, or his Deputy, has hereafter any of the Bills of said emissions which he may have received for such taxes, or in satisfaction of any execution, and shall deliver the same to any person to bring to the Treasurer and shall go before a Justice of the Peace and take the oath above required, and that he has delivered the Bills to a certain person therein named to deliver them to the Treasurer, and shall send a certificate of such oath to the Treasurer, and the person mentioned in said certificate bringing such Bills shall take the following oath, viz.

You A. B. do solemnly swear that the Bills of Credit now by you produced are the same Bills which you received of C. D. Collector, Constable or Sheriff or Deputy Sheriff (as the case may be) of and which are referred to in the certificate of the oath by him taken and now produced by you.

So help you God.

In such case the Treasurer is empowered and directed to receive such Bills of Credit in the same manner as if such Collector, Constable or Sheriff or Deputy Sheriff had personally appeared and taken the oath first before required. And for the further easement of Collectors, Constables and Sheriffs, it is further

Resolved that the Treasurer be and he is hereby directed to receive of any person who may have received of any Collector, Constable or Sheriff before the passing of this Resolve, any sum of money to bring to the Treasury for State taxes, in which may be Bills of said emissions, if the person bringing or offering the same shall take the following oath only, viz.

You A. B. do solemnly swear that the Bills of Credit now by you produced are the same Bills you received of C. D. Collector or Constable or Sheriff or Deputy Sheriff (as the case may be) of and that you received them of him before the fifth day of February, 1779, and that you are not knowing to his having exchanged any Bills of different emissions for the Bills now offered, with a view to benefit himself or other person by such exchanging one emission for another.

So help you God.

And it is further

Resolved that no Sheriff or Deputy Sheriff shall receive of any Constable or Collector any Bills of either of said emissions in satisfaction of any execution relating to State taxes, unless the Constable or Collector against whom the execution may be, produces a certificate of his having taken the oath first required in these Resolves, respecting the money by him tendered in satisfaction of such execution, which certificate the Sheriff or Deputy Sheriff (as the case may be) shall produce to the Treasurer when he shall pay into the Treasury the money collected on said execution. And it is further

Resolved that any person who may have money belonging to this State in his possession which he received before the passing of this Resolve, by virtue of being on any Committee of the General Court, or acting in any Office or Agency under this government, among which may be Bills of either of the emissions afore specified, shall on his paying the same into the Treasury take the following oath, viz.

You A. B. do solemnly swear that the Bills of Credit of the emissions of May 20, 1777, and April 11, 1778, now by you tendered, have not according to the best of your knowledge been ex-

changed or received by you or any other person acting with or under you, with an intent to benefit yourself or such other person by such exchanging or receiving for or in lieu of other Bills of Credit.

So help you God.

In which case the Treasurer shall receive said Bills of the person offering them and not otherwise. And it is further

Resolved that the said emissions shall not be received into the Treasury except in the foregoing cases, unless by the future order of the General Court. And it is further

Resolved that the Treasurer be and he is hereby impowered to administer either of the oaths aforesaid as occasion may require. And it is further

Resolved that no prohibition heretofore made by this Court, nor any requirement in this Resolve, shall be construed to extend to the tax already issued, commonly called the Continental tax. [*Passed February 5.*]

CHAPTER 445.

CIVIL OFFICERS APPOINTED FOR THE ENSUING YEAR.

Attorney General. Hon. Robert Treat Paine, Esq.

Commissary of Pensions. John Lucas.

Commissary of Prisoners. Joseph Henderson, Esq.

Notary Public.

For the county of Essex. Samuel R. Gerry.

[*Passed February 5.*]

Legislative
Records of the
Council,
xxxix., 78, 79.

CHAPTER 446.

RESOLVE FOR SUPPLYING THE FAMILIES OF CONTINENTAL OFFICERS AND SOLDIERS, ETC.

ON THE PETITION of the officers in the Brigades of Generals Nixon, Patterson (late Learned's) and Glover, in behalf of themselves and the soldiers under their command.

Resolved that the Selectmen or Committees of the several Towns and Plantations in this State appointed for this purpose, be and they hereby are enjoined to supply the families of all non-commissioned officers and private soldiers inlisted from their respective Towns or Plantations (for three years or during the war in the fifteen battalions raised by this State) with necessaries in manner directed by a Resolve of the Great and General Court of this State passed upon the tenth day of October, One thousand Seven hundred and seventy seven, and to keep an exact account of all such supplies to the intent that the Towns may finally have the same paid by the State, and also that such supplies may be charged to the said non-commissioned officers and private soldiers when their pay on which they entered the service shall be made good to them as is hereinafter provided. And the Selectmen and Committees respectively shall make up their accounts for past supplies as soon as may be, and for future supplies on the first day of January yearly, and lay them before the General Court for examination and allowance.

Resolved that if any Selectmen or Committees shall be so regardless of their Country's interest as to neglect to see the said

Legislative
Records of the
Council,
xxxix., 75.

Mass.
Archives,
cxxx., 438.

Mass.
Archives,
cxxx., 436, 442-
451, 471.

Resolve of the 10th of October fully executed, and complaint be thereof made to the General Assembly, there shall be added to the tax of the Town or Plantation whose Selectmen or Committees shall be so delinquent, a sum not exceeding five times the value of such supplies which they upon request shall unreasonably refuse to make.

And whereas there is no provision made for supply of the commissioned and staff officers families: It is therefore

Resolved that there be advanced and paid out of the public Treasury of this State to the commissioned and staff officers of the fifteen battalions aforesaid, who are engaged to serve for three years or during the war, the following sums, viz.

To each Field officer, the sum of Three hundred pounds.

To each Captain, Chaplain, Surgeon and Surgeon's Mate, engaged for three years or during the war and being an inhabitant of this State, Two hundred pounds.

To each subaltern officer, One hundred and fifty pounds.

One moiety of said sums to be paid to them respectively upon the fifteenth day of April next and the other moiety upon the fifteenth day of July next. And in case it shall so happen that the Treasurer shall not be able to pay such sums at the times above-mentioned, he is hereby impowered and directed to give said officers, or any of them who shall apply therefor, his note upon interest, payable upon or before the first day of January, One thousand Seven hundred and eighty; which several sums, when so paid, either in notes or money as aforesaid, shall be charged to the account of the respective officers who shall receive the same, and be deducted from their wages when adjusted and made good as is hereinafter provided.

Resolved that the Constables and Collectors of the State tax, now ordered to be issued, shall exchange with commissioned or staff officers of said battalions belonging to their respective Towns the notes aforesaid, giving such officers current money for the principal and interest due upon such notes at the time of such exchange. And the Treasurer is hereby directed to receive such notes of all Constables and Collectors in payment of the tax aforesaid. And the officer having the same so exchanged shall indorse his name on the same and thereon set the day of the month and year when the exchange shall be made, at which time the interest on such note shall cease.

Resolved that this government will at the close of the present war receive an account of the time which the officers and private soldiers belonging to this State shall have served in the said battalions, and will then make good to them and the heirs of such of them as shall then be dead, the wages of the Establishment of Congress whereon they engaged, according to a late Act of this government intituled "An Act against Monopoly and Oppression", taking for a measure of their wages the prices set to the articles enumerated in the same Act; taking into consideration by the same measure all bounties, except the Continental bounty of Six pounds and the State bounty of Twenty pounds, supplies, gratuities and sums already advanced, or which shall hereafter be given, supplied or advanced; provided nevertheless, that if the Hon^{ble} Continental Congress shall make the wages of said officers and soldiers good to them as aforesaid, this government shall not be held by this Resolution. And also provided that this provision shall not extend to those who shall without a regular and honorable discharge leave the said service before the time for which they are engaged shall expire. [*Passed February 6.*¹]

¹ This date is February 4 according to Legislative Records of the Council.

CHAPTER 447.

RESOLVE ADJOURNING THE INFERIOR COURT OF COMMON PLEAS
IN MIDDLESEX COUNTY.

WHEREAS the Inferior Court of Common Pleas by law appointed to be held at Cambridge on the last Tuesday of November, now stands adjourned to Tuesday, the 23^d day of February instant, and whereas it will be inconvenient to attend the business of said Court at the time and place aforesaid: Therefore

Legislative
Records of the
Council,
xxxix., 80.
Mass.
Archives,
cxxx., 437.

Resolved that the said Court be further adjourned to Tuesday, the 9th day of March next, then to be held at Concord in said County, and all matters and things that would have come before said Court on the said 23^d day of February shall be considered and determined by said Court on the said 9th day of March at Concord aforesaid, to all intents and purposes as they might have been on the said 23^d day of February instant at Cambridge, of which all persons concerned are hereby directed to take notice. [*Passed February 6.*¹]

CHAPTER 448.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF SALEM.

In the House of Representatives
The House made choice by ballot of Mr Warwick Palfrey as Naval Officer for the Port of Salem.

In Council

Read and concurred. [*Passed February 6.*]

Legislative
Records of the
Council,
xxxix., 84.
Mass.
Archives,
cxxxi., 13.

CHAPTER 449.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF TOWNSEND.

In the House of Representatives
The House made choice by ballot of Mr John Beath as Naval Officer for the Port of Townsend.

In Council

Read and concurred. [*Passed February 6.*]

Legislative
Records of the
Council,
xxxix., 84.
Mass.
Archives,
cxxxi., 11.

CHAPTER 450.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF BOSTON.

In the House of Representatives
The House made choice by ballot of Nathaniel Barber, Esq^r, as Naval Officer for the Port of Boston.

In Council

Read and concurred. [*Passed February 6.*]

Legislative
Records of the
Council,
xxxix., 84.
Mass.
Archives,
cxxxi., 12.

¹ This date is February 5 according to Legislative Records of the Council.

CHAPTER 451.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF PEPPERELL-BOROUGH.

Legislative
Records of the
Council,
xxxix., 84.
Mass.
Archives,
ccxxi., 14.

In the House of Representatives
The House made choice by ballot of Tristram Jordan, Esq^r, as
Naval Officer for the Port of Pepperellborough.
In Council
Read and concurred. [*Passed February 6.*]

CHAPTER 452.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF MACHIAS.

Legislative
Records of the
Council,
xxxix., 84.

In the House of Representatives
The House made choice by ballot of Capt. Stephen Smith as
Naval Officer for the Port of Machias.
In Council
Read and concurred. [*Passed February 6.*]

CHAPTER 453.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF NEW-BURYPORT.

Legislative
Records of the
Council,
xxxix., 84.
Mass.
Archives,
ccxxi., 9.

In the House of Representatives
The House made choice by ballot of Capt Michael Hodge as
Naval Officer for the Port of Newburyport.
In Council
Read and concurred. [*Passed February 6.*]

CHAPTER 454.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF DART-MOUTH.

Legislative
Records of the
Council,
xxxix., 84.
Mass.
Archives,
ccxxi., 8.

In the House of Representatives
The House made choice by ballot of Edward Pope, Esq^r, as
Naval Officer for the Port of Dartmouth.
In Council
Read and concurred. [*Passed February 6.*]

CHAPTER 455.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF MARBLE-HEAD.

Legislative
Records of the
Council,
xxxix., 84.
Mass.
Archives,
ccxxi., 7.

In the House of Representatives
The House made choice by ballot of Mr John Gerry as Naval
Officer for the Port of Marblehead.
In Council
Read and concurred. [*Passed February 6.*]

CHAPTER 456.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF PENOBSCOT.

In the House of Representatives
 The House made choice by ballot of Capt Nicholas Crosby as
 Naval Officer for the Port of Penobscot.
 In Council
 Read and concurred. [*Passed February 6.*]

Legislative
 Records of the
 Council,
 xxxix., 84.
 Mass.
 Archives,
 ccxxi., 6.

CHAPTER 457.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF NANTUCKET.

In the House of Representatives
 The House made choice by ballot of Mr Ichabod Plaisted as
 Naval Officer for the Port of Nantucket.
 In Council
 Read and concurred. [*Passed February 6.*]

Legislative
 Records of the
 Council,
 xxxix., 85.
 Mass.
 Archives,
 ccxxi., 5.

CHAPTER 458.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF GOULDSBOROUGH.

In the House of Representatives
 The House made choice by ballot of Capt. William Nichols as
 Naval Officer for the Port of Gouldsbrough.
 In Council
 Read and concurred. [*Passed February 6.*]

Legislative
 Records of the
 Council,
 xxxix., 85.
 Mass.
 Archives,
 ccxxi., 4.

CHAPTER 459.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF GLOUCESTER.

In the House of Representatives
 The House made choice by ballot of Samuel Whittemore, Esq.,
 as a Naval Officer for the Port of Gloucester.
 In Council
 Read and concurred. [*Passed February 6.*]

Legislative
 Records of the
 Council,
 xxxix., 85.
 Mass.
 Archives,
 ccxxi., 3.

CHAPTER 460.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF FALMOUTH.

In the House of Representatives
 The House made choice by ballot of Mr Thomas Child as Naval
 Officer for the Port of Falmouth.
 In Council
 Read and concurred. [*Passed February 6.*]

Legislative
 Records of the
 Council,
 xxxix., 85.
 Mass.
 Archives,
 ccxxi., 2.

CHAPTER 461.

RESOLVE DISCHARGING THE ACCOUNTS OF THE COMMITTEE FOR SALE OF HULKS.

Legislative
Records of the
Council,
xxxix., 85.
Mass.
Archives,
ccxx., 467.

Mass.
Archives,
ccxx., 468-470.

WHEREAS it appears on the examination of the accounts of Caleb Davis, Esq^r, Hon^{ble} W^m Phillips, Esq^r, and M^r Joseph Barrell (a Committee appointed to make sale of the Hulks in Boston Harbour) that the said accounts are right cast, and that the said Committee have paid the neat proceeds of said Hulks into the public Treasury, agreeable to the order of Court: Therefore

Resolved that Caleb Davis, Esq^r, Hon^{ble} W^m Phillips, Esq^r, and M^r Joseph Barrell (the Committee for sale of Hulks) be discharged from the sum of Seventeen hundred and six pounds, three shillings, being the neat proceeds of the sale of said Hulks. [*Passed February 6.*]

CHAPTER 462.

RESOLVE ON THE PETITION OF LIEUT. MARK FOUQUET.

Legislative
Records of the
Council,
xxxix., 85.
Mass.
Archives,
ccxx., 404,
404½.

Mass.
Archives,
ccxx., 402.

Resolved that there be advanced and paid out of the Treasury of this State to Capt. Nicholas Fouquet, or Mark Fouquet, two Gentlemen from France, engaged by the Hon^{ble} Continental Congress for erecting Powder Mills, &c., the sum of One hundred and eighty pounds, they or either of them giving a bill for said sum on the Continental Board of War at Philadelphia, payable to Henry Gardner, Esq^r, Treasurer of this State, or his order. [*Passed February 6.*]

CHAPTER 463.

APPOINTMENT OF FRANCIS FAULKNER, ESQ^R, AS COLONEL OF THE 3RD MIDDLESEX COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxix., 86.
Mass.
Archives,
ccxx., 472.

In the House of Representatives

The House by ballot made choice of Francis Faulkner, Esq^r, as Colonel of the third regiment of Militia in the County of Middlesex.

In Council

Read and concurred. [*Passed February 6.*]

CHAPTER 464.

RESOLVE ON THE PETITION OF THE SELECTMEN OF GLOUCESTER.

Legislative
Records of the
Council,
xxxix., 86.
Mass.
Archives,
ccxx., 465.

Mass.
Archives,
ccxx., 466.

ON THE PETITION of the Selectmen of the Town of Gloucester, praying that the Town may be empowered to choose a Collector to collect the taxes that were committed to Peter Dolliver to collect for the year 1775, and remain uncollected by reason of said Dolliver being in captivity.

Resolved that the prayer of the Petition be granted, and that the Town be empowered at a legal meeting called for that purpose, to choose a Collector to collect said taxes, and the Selectmen be directed to grant a warrant to the Collector when chosen for that purpose. [*Passed February 6.*]

CHAPTER 465.

VOTE ON PETITION OF JOSHUA BRACKETT.

THE COMMITTEE of both Houses on the Petition of Joshua Brackett ask leave to report that the said Petition be referred to the next May session of the General Assembly, and that the final settlement of the estate of Abijah Willard, be, by the Agent, suspended until the further order of the General Assembly.

which is submitted.

In Council

W. SEVER *pro* ord^r.

Read and accepted.

In the House of Representatives

Read and concurred. [*Passed February 6.*]

Legislative
Records of the
Council,
xxxix., 86.
Mass.
Archives,
ccxx., 473.

Mass.
Archives,
ccxx., 474, 475.

CHAPTER 466.

RESOLVE FOR SUPPLYING THE COMMITTEE FOR STATING ACCOUNTS WITH WRITING PAPER.

Resolved that the Board of War be and they hereby are directed to deliver to Mess^{rs} William Bant, John Demming and Peter Boyer, a Committee for stating the accounts of this State, so much Writing Paper as is necessary for carrying on said business. [*Passed February 8.*]

Legislative
Records of the
Council,
xxxix., 87.
Mass.
Archives,
ccxx., 492.

CHAPTER 467.

APPOINTMENT OF FIELD OFFICERS OF THE 1ST BRISTOL COUNTY REGIMENT.

In the House of Representatives.

The House by ballot made choice of the following gentlemen as Field Officers of the first regiment of Militia in the County of Bristol, viz.

Peleg Slade,	.	.	.	.	.	.	Lieut. Colonel.
Nathaniel Carpenter,	.	.	.	.	.	.	first Major.
Peleg Sherman,	.	.	.	.	.	.	second Major.

Legislative
Records of the
Council,
xxxix., 87.
Mass.
Archives,
ccxx., 491.

In Council

Read and concurred. [*Passed February 8.*]

CHAPTER 468.

RESOLVE DIRECTING THAT THE ACT AGAINST MONOPOLY AND FORESTALLING BE PUBLISHED.

Resolved that the Act intitled "An Act against Monopoly and Forestalling" be published in all the Boston News Papers, and likewise in all the other public News Papers usually printed in this State, and that the Act so published be prefaced with the Order following, viz. "Published by Order of the General Court." And it is further

Resolved that the Act aforesaid be publicly read in the several Towns within this State at their annual meeting in March next. [*Passed February 8.*]

Legislative
Records of the
Council,
xxxix., 88.
Mass.
Archives,
ccxx., 490.

CHAPTER 469.

RESOLVE ON THE PETITION OF LEVI SHEPHARD, COMMISSARY.

Legislative
Records of the
Council,
xxxix., 88.
Mass.
Archives,
ccxx., 485.

ON THE PETITION of Levi Shephard, praying for liberty to resign his office as Commissary, and for a further allowance for his services in said office, also to be put in possession of one half of a shop in Worcester, the property of Doctor William Paine, an Absentee.

Mass.
Archives,
ccxx., 486-488.

Resolved that the said Levi Shephard be discharged from said office, and that he deliver any Stores or Cloathing he may have on hand (the property of this State) to some person to be appointed to succeed him in said office on or before the fifteenth day of March next, taking his receipt for each article he shall deliver. And it is further

Resolved that the Agent on the estate of William Paine, of Worcester, an Absentee, be and he hereby is directed to put the said Levi Shephard in possession of the one half of the said shop belonging to the estate of the said Paine, said Shephard paying a reasonable rent for the same. [*Passed February 8.*]

CHAPTER 470.

RESOLVE ON THE PETITION OF JONATHAN METCALF.

Legislative
Records of the
Council,
xxxix., 89.

ON THE PETITION of Jonathan Metcalf, praying for allowance for cloathing and other articles lost by his son on the 5th day of September, 1778, when the enemy made a descent on Bedford in Dartmouth, on which day he was mortally wounded and fell into the enemy's hands, who stripped and robbed him.

Resolved that the sum of Sixty pounds and nine shillings be paid to Jonathan Metcalf out of the public Treasury for the loss sustained, as set forth in the Petition. [*Passed February 8.*]

CHAPTER 471.

RESOLVE ON THE PETITION OF INHABITANTS OF WILBRAHAM.

Legislative
Records of the
Council,
xxxix., 89.
Mass.
Archives,
ccxx., 477, 478.

UPON THE PETITION of certain inhabitants of the Town of Wilbraham, praying that they may be incorporated into a District as set forth in said Petition.

Mass.
Archives,
ccxx., 477-481.

Resolved that the petitioners notify the inhabitants of said Town of Wilbraham to shew cause, if any they have, on the third Wednesday of the next sitting of this Court, why the prayer thereof should not be granted, by leaving an attested copy of said Petition, together with a copy of this Resolve, with the Clerk of said Town fifteen days before the said third Wednesday of the next sitting of this Court. [*Passed February 8.*]

CHAPTER 472.

RESOLVE ON THE PETITION OF JOHN MURCH.

Legislative
Records of the
Council,
xxxix., 89.

UPON THE PETITION of John Murch, praying for a confirmation of lands therein mentioned.

Resolved that the petitioner serve the said Wyat Moore and the

heirs of the said James Moore, deceased, with an attested copy of his Petition and this Order thereon, that they may appear if they see fit on the second Wednesday of the first session of the next General Assembly of this State, and shew cause, if any they have, why the prayer of said Petition shall not be granted. [*Passed February 8.*]

Mass.
Archives,
ccxx., 483.

Mass.
Archives,
ccxx., 482.

CHAPTER 473.

RESOLVE ON THE PETITION OF BARNABAS FREEMAN.

UPON THE PETITION of Barnabas Freeman, in behalf of Micajah Snow, praying for allowance for money paid by the said Snow, upon an execution from the Treasurer of this State for taxes collected by him in the year 1772, altho' he has a full discharge from Harrison Gray, Esq^r, late Treasurer.

Legislative
Records of the
Council,
xxxix., 86.
Mass.
Archives,
ccxx., 496.

Resolved that there be allowed and paid out of the Treasury of this State to Micajah Snow, or his order, the sum of Thirty six pounds, twelve shillings and two pence, the sum for which the execution was issued, and the further sum of Eight pounds, four shillings and eight pence, costs arising thereon, which was paid by said Snow; and that the Treasurer of this State be and he hereby is directed to charge the sums aforesaid to the estate of Harrison Gray, Esq^r, an Absentee. [*Passed February 9.*¹]

Mass.
Archives,
ccxx., 498, 499.

CHAPTER 474.

RESOLVE ALLOWING CONTINENTAL WAGES AND GRATUITIES TO COL^O CRANE'S ARTILLERY REGIMENT.

ON THE PETITION of Lieut. Colonel John Popkin in behalf of Col^O Crane's regiment of Artillery.

Legislative
Records of the
Council,
xxxix., 83.
Mass.
Archives,
ccxx., 493, 494.

Resolved that Col^O Crane's regiment of Artillery, including Stevens' corps, now in the service of the United States, be and hereby are considered as one of the Continental regiments raised in this State, and that the officers and private soldiers thereof, belonging to this State, shall have their original pay made good to them in the same way and manner as the officers and soldiers of the fifteen battalions of said army raised in this State by the Resolves thereof of the 10th of October, 1777, the 1st of May, 1778, and February 4th, 1779, are to be made good; and all gratuities, matters and things contained in the said Resolves shall enure to the said officers and private soldiers of the said Col^O Crane's regiment and Stevens' corps, in the same manner as though they had been particularly named in the aforesaid Resolves; excepting that the gratuity to each officer and soldier arising from the Lottery by the aforesaid Resolves, shall be paid to the officers and soldiers of Col^O Crane's regiment and Stevens' corps on the first day of December next, or as much sooner as the money can be raised by the Lottery therein mentioned. [*Passed February 9.*²]

Mass.
Archives,
ccxx., 495.

¹ This date is February 6 according to Legislative Records of the Council.

² This date is February 8 according to Legislative Records of the Council.

CHAPTER 475.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF BARNSTABLE.

Legislative
Records of the
Council,
xxxix., 90.
Mass.
Archives,
ccxxi., 15.

In the House of Representatives
The House by ballot made choice of Capt William Taylor as
Naval Officer for the port of Barnstable.
In Council
Read and concurred. [*Passed February 9.*]

CHAPTER 476.

APPOINTMENT OF NAVAL OFFICER FOR THE PORT OF YORK.

Legislative
Records of the
Council,
xxxix., 90.
Mass.
Archives,
ccxxi., 1.

In the House of Representatives
The House by ballot made choice of Col. Edward Grow as
Naval Officer for the port of York.
In Council
Read and concurred. [*Passed February 9.*]

CHAPTER 477.

RESOLVE DIRECTING THE TREASURER TO RECEIVE BILLS OF
CREDIT UNTIL AUGUST 1, 1779.

Legislative
Records of the
Council,
xxxix., 90.
Mass.
Archives,
ccxxi., 25.

WHEREAS the time wherein the Treasurer of this State was
directed to receive the Bills of public Credit emitted by this State
and to give notes therefor is now expired, and sundry persons
having such Bills by them are injured by not being allowed to de-
liver the same and receive notes therefor:

It is therefore

Resolved that the Treasurer be and he hereby is directed to re-
ceive of any person offering the same any Bills of public Credit
issued by this State, and to give his note therefor in manner di-
rected by the former Resolutions and Acts of the General Court
of this State for calling in such Bills; provided such Bills be
offered upon or before the first day of August One thousand seven
hundred and seventy-nine. [*Passed February 9.*]

CHAPTER 478.

RESOLVE ESTABLISHING THE FEES TO BE RECEIVED IN THE MARI-
TIME COURTS.

Legislative
Records of the
Council,
xxxix., 90.
Mass.
Archives,
ccxxi., 26.

Resolved that the fees to be hereafter demanded and received in
the Maritime Courts within this State shall be as follows, viz.

To the Constables for warning a Town meeting and drawing
Jurymen, Ten shillings.

For summoning each Juror or Witness, Two shillings and six
pence.

To the Sheriff or Constable for every mile's travel from the place
of abode to the place of trial in making a Return of Warrant or
Summons, One shilling.

To each Juror or Witness for every mile's travel from the place of his abode to the place of trial, One shilling.

To every Witness for attendance per day, Twenty shillings.

For the attendance of the Foreman of the Jury in each cause, Fifteen shillings.

For the attendance of each of the other Jurors in each cause, Twelve shillings.

For the Clerk's attendance in each cause, Forty shillings.

For the Sheriff or Constable's attendance, in each cause, Twelve shillings.

To the Clerk for recording the proceedings of the Court for every page containing twenty-four lines of eight words in a line, Two shillings.

For all attested copies, Two shillings per page as above.

For taxing the Bill, Twelve shillings.

To the Judge for receiving information, Twenty shillings.

For every Warrant, Twelve shillings.

For his services in each cause upon a Libel against any vessel or other goods libelled as Prize, Six pounds.

For notifying or advertising, exclusive of the expence to the printers, Twelve shillings.

For every Summons for one or more Witnesses, Three shillings. [*Passed February 9.*]

CHAPTER 479.

RESOLVE IMPOWERING BARNABAS BINNEY, EXECUTOR, TO MAKE SALE OF REAL ESTATE.

ON THE PETITION of Barnabas and Aves Binney, praying that he may be impowered to sell the estate of the late Capt. Barnabas Binney, of Boston, deceased.

Resolved that the prayer of the Petition be granted, and that the said Barnabas Binney, as executor to the last will and testament of the said Capt. Barnabas Binney, deceased, be and he hereby is authorised and impowered to make sale of said estate and to make and execute a good and lawful deed of the same, the absence of one of the heirs of said estate notwithstanding; the said Aves Binney conveying her right by the same deed, and the said sale shall be as good and valid in law as if the same was made by all the heirs or devisees of said Capt. Barnabas Binney; provided the said Barnabas, the petitioner, give bond to the Judge of Probate for the County of Suffolk in such sum as the said Judge shall direct, that the proceeds of said estate shall be distributed among the heirs and devisees of the said Barnabas, deceased, as is directed by the last will of the said Barnabas, deceased; the said will, a copy of which is herewith exhibited, to be recorded in the office of the Judge of Probate. [*Passed February 9.*]

Legislative
Records of the
Council,
xxxix., 91.
Mass.
Archives,
ccxxi., 27.

Mass.
Archives,
ccxxi., 28-31.

CHAPTER 480.

RESOLVE ALLOWING £900 TO THE ATTORNEY GENERAL.

Resolved that there be paid out of the public Treasury to the Hon^{ble} Robert Treat Paine, Esq^r, for his services as Attorney General, from his first appointment in June, 1777, to the first day of January last, the sum of Nine hundred pounds. [*Passed February 9.*]

Legislative
Records of the
Council,
xxxix., 92.
Mass.
Archives,
ccxx., 500.

CHAPTER 481.

RESOLVE ALLOWING £1000 TO THE COMMISSARY GENERAL.

Legislative
Records of the
Council,
xxxix., 92.
Mass.
Archives,
ccxxi., 17.

Resolved that there be paid out of the Public Treasury to Richard Devens, Esq^r, in full for his services as Commissary General of this State to the first day of January last, the sum of One thousand pounds. [*Passed February 9.*]

CHAPTER 482.

RESOLVE ALLOWING ADDITIONAL PAY TO THE SPEAKER OF THE HOUSE.

Legislative
Records of the
Council,
xxxix., 93.
Mass.
Archives,
ccxxi., 16.

Resolved that there be paid to the Hon^{ble} John Pickering, Esq^r, Speaker of the House of Representatives, the sum of twenty-four shillings per day over and above his pay as a member of the House. [*Passed February 9.*]

CHAPTER 483.

RESOLVE ALLOWING £600 TO THE CLERK OF THE HOUSE.

Legislative
Records of the
Council,
xxxix., 93.
Mass.
Archives,
ccxxi., 18.

Resolved that there be paid out of the public Treasury to Samuel Freeman, Esq^r, for his services as Clerk of the House of Representatives during the continuance of the present House, the sum of Six hundred pounds. [*Passed February 9.*]

CHAPTER 484.

RESOLVE ALLOWING £75 TO THE CHAPLAIN.

Legislative
Records of the
Council,
xxxix., 93.
Mass.
Archives,
ccxxi., 19.

Resolved that there be paid out of the public Treasury to the Reverend Samuel Cooper, D. D., in full for his services as Chaplain to the two Houses from the last Wednesday of May last to the last Wednesday in May next, the sum of Seventy-five pounds. [*Passed February 9.*]

CHAPTER 485.

RESOLVE ALLOWING £30 TO THE CLERK OF THE HOUSE PRO TEM.

Legislative
Records of the
Council,
xxxix., 93.
Mass.
Archives,
ccxxi., 20.

Resolved that there be paid out of the public Treasury to Mr Nathaniel Gorham for twenty-five days service as Clerk of the House while the standing Clerk officiated as Speaker, the sum of Thirty pounds. [*Passed February 9.*]

CHAPTER 486.

RESOLVE ALLOWING £150 TO MONS^r LEWIS DE MARESQUELLE.

WHEREAS by reason of the very high price of the necessaries of life, the sum to be allowed annually to Mons^r de Maresquell^e by the agreement made with him in December, 1776, for certain services by him to be performed, is not sufficient for his support: Therefore

Resolved that there be paid out of the public Treasury to Mons^r de Maresquell^e, the sum of One hundred and fifty pounds, as a further pay for his services to the first day of January last. [*Passed February 9.*]

Legislative
Records of the
Council,
xxxix., 93.
Mass.
Archives,
ccxxi., 23.

Mass.
Archives,
ccxxi., 21.

CHAPTER 487.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE AND DESTROY CERTAIN BILLS OF CREDIT.

In the House of Representatives

Resolved that M^r Phillips, of Boston, and M^r Barrell, with such as the Hon^{ble} Board shall join, be and hereby are appointed a Committee to examine and take account of the Bills of Credit emitted by this State of six shillings and upward, which were ordered to be called in and for which notes were ordered to be given, and report to the Court the amount of the same and of the notes given therefor.

And the Committee are directed to burn the said Bills when examined as aforesaid having first given the Treasurer a receipt for the same.

In Council

Read and concurred and Moses Gill, Esq^r, is joined. [*Passed February 9.*]

Legislative
Records of the
Council,
xxxix., 93.
Mass.
Archives,
ccxxi., 33.

CHAPTER 488.

RESOLVE ON THE PETITION OF ZIPHION THAYER.

ON THE PETITION of Ziphion Thayer, praying that his brother Ebenezer Thayer may be permitted to return to this State with his effects.

Resolved that Ebenezer Thayer now residing in Nova Scotia, be and he hereby is permitted to return to this State with his effects any time within six months from this date; and all masters of armed vessels in the service of the United States, or either of them, except this State, are desired, and masters of armed vessels in the service of this State are directed, not to molest or hinder the said Ebenezer Thayer in his so returning with his effects into this State. [*Passed February 10.*]

Legislative
Records of the
Council,
xxxix., 95.
Mass.
Archives,
ccxxi., 34.

Mass.
Archives,
ccxxi., 35.

CHAPTER 489.

RESOLVE IMPOWERING MARY DUDLEY, ADMINISTRATRIX, TO
MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council,
xxxix., 95.
Mass.
Archives,
ccxxi., 44.
Mass.
Archives,
ccxxi., 45, 46.

ON THE PETITION of Mary Dudley, of Acton, in the County of Middlesex, Administratrix of the estate of her late deceased husband, James Dudley, of Acton aforesaid, blacksmith, praying that she may be empowered, in her said capacity, to sell a house and a small piece of land in said Acton laying near the meeting house in said Town, for the reasons set forth in her Petition.

Resolved that Mary Dudley, of Acton, in the County of Middlesex, Administratrix of the estate of James Dudley, late of said Acton, blacksmith, deceased, be and she hereby is empowered to sell for the most the same will fetch, a house and a small piece of land laying near the meeting house in Acton aforesaid, which house and piece of land the said James Dudley died seized or possessed of; and make and execute a good deed or deeds of the same, she the said Mary Dudley giving proper security to the Judge of Probate for the said County of Middlesex that the neat proceeds arising from said sale, after paying the just debts of the deceased, shall be divided, improved and settled, to and amongst the widow and children of the said James Dudley, deceased, in such manner and proportion as real estates which are left intestate by the laws of this State are divided and settled. [*Passed February 10.*]

CHAPTER 490.

RESOLVE ON THE PETITION OF EDWARD JONES.

Legislative
Records of the
Council,
xxxix., 98.
Mass.
Archives,
ccxxi., 40.
Mass.
Archives,
ccxxi., 41-43.

ON THE PETITION of Edward Jones, Agent for the estate of Ezekiel Lewis, late of Boston, an Absentee, praying that he may be empowered to make sale of two fifth parts of a house and land in Long Lane, Boston, for the reasons set forth in his Petition.

Resolved that Edward Jones, Agent for the estate of Ezekiel Lewis, late of Boston, in the County of Suffolk, an Absentee, be and he hereby is empowered to make sale of two fifth parts of a house and land in Long Lane in the Town of Boston aforesaid, which was the estate Jonathan Clarke, late of Boston, deceased, the grandfather of the said Ezekiel, died possessed of, for the most the same will fetch; and sign and legally execute a proper conveyance for the same, he the said Edward Jones giving security to the Judge of Probate for the said County of Suffolk, that the neat proceeds arising from said sale shall be paid according to the direction and order of the General Court. [*Passed February 10.*]

CHAPTER 491.

RESOLVE ON THE PETITION OF PHILLIPS WHITE.

Mass.
Resolves,
Jan. sess.,
c. 153.

UPON THE PETITION of Phillips White, praying that the copy of a covenant entered into by Samuel White, John White, Timothy White, Phillips White, William Thompson, Sarah Thompson and Mary Chandler, may have the same force of the original, which is lost.

Resolved that the said Phillips White serve the parties with a copy of his Petition, that they shew cause, if any they have, upon the second Wednesday of the next sitting of this Court why the prayer thereof should not be granted. [*Passed February 10.*]

CHAPTER 492.

LETTER TO THE PRESIDENT OF CONGRESS.

STATE OF MASSACHUSETTS BAY.
Feb.^y 10, 1779.

SIR,

Your several favors of the and 22nd of January last, covering divers Resolutions of Congress passed the 8th of October, the 19th of November, the 1st, 2nd and 14th of January, have been communicated to the General Court, and they have now under their consideration proper measures to give them a speedy and effectual operation.

Legislative
Records of the
Council,
xxxix., 96.
Mass.
Archives,
cc., 311.

The officers and soldiers of the fifteen battalions and also of Col^o Crane's regiment of artillery, including Stevens' corps, raised within this State, have lately in the most pressing manner applied to the General Assembly for some assistance under the difficulties they labour by reason of the depreciated state of our Currency and the consequent advanced prices of all articles necessary for their consumption. This matter has been taken under consideration by the Court and they have passed a number of Resolutions for their relief, which you have inclosed. This was a measure deemed absolutely necessary at this time; we have done it purely with a view to serve the Common Cause and to keep them quiet until Congress could take up this matter at large, and we hope it will meet with the approbation of Congress, and that the expence that may accrue from carrying these Resolutions into execution (in case the Honorable Congress should not prevent it by adopting measures to make the wages of the officers and soldiers good) will finally be borne by the Continent.

Application has also been made to the Court in behalf of the officers and soldiers in Col^o Jackson's, Lee's and Henley's regiments that they may have the same relief granted to them.

We have from the beginning supposed that we had credit for the men belonging to these regiments, and have accordingly given them the same encouragement and made them the same allowances as we have given and made to the men belonging to the fifteen battalions; but understanding lately from some of our Delegates that this State in the late arrangement of the army had no credit given them by Congress for these men, the Court has not as yet granted their request, not knowing but the Congress would do whatever was necessary for their relief; however in case this State can have credit for these men, or Congress will give us directions to treat them in the same manner, we are willing to pass similar Resolutions in their favor whenever the Honorable Congress shall signify their pleasure upon this occasion; and we are persuaded that Congress will order that this State shall have credit for the men belonging to Col^o Crane's regiment, including Stevens' corps, as both Congress and General Washington strongly recommended it to this State to give the same encouragement to these men as to those of the fifteen battalions.

Our Sea Coasts have at times been greatly infested by the enemy's Privateers, carrying from 8 to 20 guns, to the no small detriment and annoyance of the inhabitants of this State. One or

two of the Continental Frigates might have taken or dispersed them all. We therefore request that the Honorable Congress would give orders to the Navy Board for the Eastern Department, to send out some of the Continental Frigates to cruise off this coast, whenever the General Court, or in their recess, the Council of this State shall signify to that Board the necessity of such a measure; and when it is considered by Congress how great a burthen has lain upon this and the other Eastern States in furnishing large numbers of men to man the Continental Frigates, we flatter ourselves this reasonable request will be granted and that we shall in future reap some benefit from these Frigates in the protection and defence of our Sea Coasts.

We should be glad to be favored with the Resolutions of Congress upon the subjects mentioned in this letter as soon as possible.

In the name and behalf of the General Assembly,

I am with great respect,

Yr most ob^t hum^ble Serv^t.

To the Hon^{ble} John Jay, Esq^r,
President of Congress.

In Council

Read and accepted and *Ordered* that the President of the Council be and he is hereby desired to sign the said letter in the name and behalf of the General Court.

In the House of Representatives

Read and concurred. [*Passed February 10.*]

CHAPTER 493.

LETTER TO DELEGATES IN CONGRESS.

STATE OF MASSACHUSETTS BAY
February 10, 1779.

GENTLEMEN,

You must be sensible that it is necessary that the Assemblies of the several United States should from time to time be made acquainted with what passes at Congress, in order that measures may be adopted seasonably for carrying their Resolutions into execution. This State has often for a long season been quite ignorant of what has been transacting at Congress. You are therefore directed by the Assembly to write the Council of this State at least once a month, and oftener if necessary, informing of all such matters as have been transacted at Congress that can be communicated consistently with their orders, and also to send the Journals of Congress as far as they have been published.

We have made application to Congress by this opportunity, desiring that they would give orders to the Navy Board to send out some of the Continental Frigates to guard our Sea Coasts whenever the General Court, or in their recess, the Council shall signify to the Board the necessity of it. Our Coasts have been frequently much infested with numbers of the enemy's armed vessels, carrying from 8 to 20 guns, to the great distress and annoyance of the inhabitants, especially those who live upon the Eastern Shore; you are therefore instructed to use your influence to have such an order passed.

We were in hopes ere this to have heard that the Honorable Congress had taken some suitable measures to quiet the minds of the officers and soldiers in the Continental Army, under their suf-

ferings, by reason of the depreciated state of our Currency. The officers and soldiers of the 15 battalions and of Col Crane's regiment of artillery, including Stevens' corps, raised in this State, have been so pressing in their applications to the General Assembly that they have passed a number of Resolutions, wherein they have engaged (provided Congress does not do it) to make good their wages at the close of the present contest. It appeared to the Court from the representation of the officers that this was a measure absolutely necessary in order to keep the army together. We hope it will meet the approbation of Congress and desire that you would endeavor to obtain their order that the expence that may hereby accrue shall be finally borne by the Continent.

The officers and soldiers in the regiments under the command of Col^s Jackson, Lee and Henley, have applied to have the same relief, but as the Court have been lately informed that this State has in the late arrangement of the army no credit for the men belonging to those regiments, they apprehend it belongs to Congress to grant them the necessary relief, as most of the men belonging to these regiments were raised in this State and their families are here and therefore can be more easily supplied by us; we are willing, provided we can have credit for the men, or Congress will give us directions to treat them in the same manner, to pass similar Resolutions in their favor.

You will therefore use your endeavors that the men before mentioned should be placed to the credit of this State as part of their quota of the Continental Army, as also the men belonging to Col^o Crane's regiment of artillery, including Stevens' corps, as the Honorable Congress, as well as Gen^l Washington, strongly recommended it to this State to grant the same encouragement to these men as to those belonging to the fifteen battalions.

To the Hon^{ble} Samuel Adams, Esq^r, and others, }
Delegates from this State now at Congress. }

In Council

Read and accepted and *Ordered* that the President of the Council be and he is hereby desired to sign the said letter in the name and behalf of the General Court.

In the House of Representatives

Read and concurred. [*Passed February 10.*]

CHAPTER 494.

RESOLVE MAKING ADDITIONAL ALLOWANCES TO MEMBERS OF THE BOARD OF WAR.

Resolved that there be paid out of the Treasury to each member of the Board of War for their service, in addition to their former pay, the sum of twenty-six shillings for each days service from the tenth day of July last to the tenth day of October last, and the sum of eleven shillings for each days service, in addition to their former pay, from the said tenth day of October to this time, and that there be allowed them severally for each days service hereafter the sum of Three pounds. [*Passed February 10.*¹]

Legislative
Records of the
Council,
xxix., 81.
Mass.
Archives,
ccxi., 36.
Mass.
Archives,
ccxx., 476;
ccxxi., 37.

¹ This date is February 5 according to Legislative Records of the Council.

CHAPTER 495.

RESOLVE DIRECTING THE SHERIFF OF THE COUNTY OF BARNSTABLE TO DEMAND AND RECEIVE ARTICLES TAKEN FROM WRECK OF THE SHIP SOMERSET.

Legislative
Records of the
Council,
xxxix., 99.
Mass.
Archives,
ccxxi., 48, 49.

WHEREAS it is represented to the General Court that there are persons who have possessed themselves of parcels of stores and effects that belonged to the Ship Somerset, stranded on the banks of Truro or Provincetown in this State, and have refused to deliver the same to the Board of War, who have been directed to collect the same; which stores and effects by the rules of law ought to be in the custody of some person duly authorized to secure the same for the benefit of those to whom they shall be adjudged, without which great injury may arise to all concerned: Therefore

Resolved that the Sheriff of the County of Barnstable be and he hereby is directed to demand and receive of any person or persons all and every part of the stores, tackle, apparel, furniture, effects and appurtenances of the said Ship Somerset in the custody or possession of such person or persons respectively, and upon receipt thereof to keep the same safely, to be by him delivered to the Board of War or their order on demand, for the use and benefit of those to whom they shall or may be finally in due course of law adjudged and decreed. That if any person or persons who shall be possessed, or whom the Sheriff shall suspect to be possessed, of any of the effects beforementioned shall refuse or neglect upon demand thereof made in the presence of two credible witnesses to deliver up the same to him, for the purpose aforesaid, that then the Sheriff shall be and hereby is authorized and directed to break open in the day time any dwelling house, warehouses, stores or outhouses whatever, wherein he shall know or suspect the same to be, and to take such effects into his safe keeping, to be by him delivered to the Board of War or their order on demand, giving to the person in whose custody they may be found, a receipt therefor to the end that what appertaineth to justice may finally be done; and the Sheriff is hereby directed to return to this Court or the Council a list of the names of such persons who being possessed of any of the said effects shall refuse or neglect to deliver up the same upon demand as aforesaid; provided that nothing in these Resolutions contained shall be construed to extend to any persons having possession of such effects by or under the order of this Court or the Board of War. [*Passed February 11.*¹]

CHAPTER 496.

RESOLVE RESPECTING FORAGE FOR THE USE OF THE ARMY.

Legislative
Records of the
Council,
xxxix., 100.
Mass.
Archives,
ccxxi., 50, 51.

ON THE REPRESENTATION of Major General Sullivan respecting the want of Forage for the army under his immediate command.

Resolved that the Selectmen in the several towns in the Counties of Bristol and Plymouth, and the Towns of Wrentham, Franklin, Foxborough and Stoughtonham, in the County of Suffolk; and the Towns of Mendon, Uxbridge, Sutton, Douglas, Upton and Grafton, in the County of Worcester, be and they hereby are impowered and directed, upon application made to them by the Forage Master, or any other person specially appointed by Gen^l Sullivan to

¹ This date is February 10 according to Legislative Records of the Council.

procure forage, to furnish said person or persons from those farms where it can best be spared within their respective towns, with what hay or other forage that they in their judgment think can be spared; they first applying to the owners thereof and agreeing with them for the price of said forage. And in case the owner or owners thereof shall neglect or refuse to sell the same for a reasonable price, then and in that case the said Selectmen are impowered to impress and deliver the said hay or forage to said Forage Master for the use of said army, he paying the owner or owners thereof such reasonable price as said Selectmen shall fix thereon. [*Passed February 11.*]

CHAPTER 497.

RESOLVE AUTHORIZING THE BOARD OF WAR TO IMPORT FLOUR AND BREAD CORN.

WHEREAS a Resolve passed this Court the 26th of January last appointing a Committee to import into this State a quantity of Flour and Bread Corn; and whereas the said Committee have not yet proceeded on said business by reason of the absence of three of the members; and it being of great importance that the business for which said Committee were appointed should be prosecuted without delay: Therefore

Legislative
Records of the
Council,
xxxix., 100.
Mass.
Archives,
cexxi., 52.
Mass.
Archives,
celxxv., 9.

Resolved that the said Resolve of the 26th of January last, so far as it relates to the appointment of said Committee for executing said business, be and it is hereby repealed and made null and void. And it is further

Resolved that the Board of War be and they hereby are directed to prosecute said business with all possible dispatch, and they be and hereby are vested with all the powers with which the said Committee were vested, and they are to take the directions given to said Committee by said Resolve of the 26th of January last, to govern them in prosecuting said business. [*Passed February 11.*]

CHAPTER 498.

RESOLVE ON THE PETITIONS OF INHABITANTS OF PITTSFIELD, ASHUELOT EQUIVALENT AND THE WESTERLY PART OF PARTRIDGEFIELD.

In the House of Representatives

ON THE PETITIONS of the Town of Pittsfield, Ashuelot Equivalent and part of the Town of Partridgefield, praying for a Committee to repair to the said Ashuelot Equivalent and towns adjoining, in order that the same be incorporated into a separate town.

Legislative
Records of the
Council,
xxxix., 101.
Mass.
Archives,
cexxi., 63.
Mass.
Archives,
cexxi., 64-66.

Resolved that the prayer of the petitioners be granted and that Mr Bacon and Col. Stafford, with such as the Hon^{ble} Board shall join, be and they hereby are appointed a Committee to repair to the said Ashuelot Equivalent and towns adjacent as aforesaid for the purposes above mentioned, and report their opinion with respect to the same, some time on the next sitting of the General Court; and that the Town of Partridgefield and one of the principal nonresident Proprietors of the Ashuelot Equivalent be previously served with a copy of this Resolve, that they shew cause, if any they have, why the prayer of the petitioners should not be granted. Also

Resolved that the petitioners belonging to the Town of Partridgefield and the Ashuelot Equivalent be and they are hereby directed to pay said Committee a due compensation for their trouble and expences, which may accrue in obedience to this Resolve.

In Council

Read and concurred and Timothy Edwards, Esq^r, is joined.
[*Passed February 11.*]

CHAPTER 499.

RESOLVE IMPOWERING CALEB CAMPBELL, GUARDIAN, TO MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council,
xxxix., 102.
Mass.
Archives,
ccxxi., 56.

ON THE PETITION of Caleb Campbell, of Hingham, in the County of Suffolk, Guardian to Shubael Wilder, of said Hingham, a minor, praying that he may be impowered to sell about eight or nine acres of land in Hingham aforesaid, belonging to said minor, for the reasons set forth in his Petition.

Mass.
Archives,
ccxxi., 57, 58.

Resolved that Caleb Campbell of Hingham, in the County of Suffolk, Guardian to Shubael Wilder, of Hingham aforesaid, minor, be and he is hereby impowered to sell for the most the same will fetch, a small piece of land in said Hingham, containing about eight acres, and make and execute a good deed or deeds of the same; he giving proper security to the Judge of Probate for the said County of Suffolk, that the neat proceeds arising from said sale or sales, with the lawful interest thereon, shall be paid to the said minor Shubael Wilder when he shall arrive to the age of twenty one years; and if he the said Shubael dies before he arrives to the age of twenty one years, then and in that case to be paid to his heir or heirs at law. [*Passed February 11.*]

CHAPTER 500.

RESOLVE ALLOWING HALF PAY TO AMOS MANSFIELD.

Legislative
Records of the
Council,
xxxix., 102.
Mass.
Archives,
ccxxi., 59.

ON THE REPRESENTATION of John Lucas, Commissary of Pensioners, in behalf of Amos Mansfield, late a soldier in Col. Benjamin Simonds' regiment and Capt George King's company, and who lost one of his legs at or near White Plains.

Mass.
Archives,
ccxxi., 60-62.

Resolved that the said Amos Mansfield is intitled to half his pay as a soldier to commence on the 7th day of March, 1777. [*Passed February 11.*]

CHAPTER 501.

RESOLVE ON THE PETITION OF EHUD HOPKINS.

Legislative
Records of the
Council,
xxxix., 103.
Mass.
Archives,
ccxxi., 70.

ON THE PETITION of Ehud Hopkins, praying for a conveyance of a lot of land in the westerly part of Great Barrington, N^o Nineteen, lately belonging to David Ingersoll, Esq., an Absentee, containing fifty-five acres and an half, exclusive of the highway that runs thro' said lot.

Mass.
Archives,
ccxxi., 71, 76½.

Resolved that William Whiting, Esq^r, Agent on the Estate of said Ingersoll, be and he hereby is authorized and impowered to make and execute a good and lawful deed of the said lot of land, which deed shall to all intents and purposes be good and valid in law. [*Passed February 11.*]

CHAPTER 502.

ORDER ON THE PETITION OF WILLIAM WHITING AND WILLIAM INGERSOLL.

Ordered that the said Petitioners notify the within named Jacob Vanduzer by leaving an attested copy of said Petition with this Order thereon with the said Jacob, at least thirty days before the first Wednesday in June next, to shew cause, if any there be, on said first Wednesday, why the prayer of said Petition should not be granted. [*Passed February 11.*]

Legislative
Records of the
Council,
xxxix., 101.
Mass.
Archives,
ccxxi., 53.
Mass.
Archives,
ccxxi., 54, 55.

CHAPTER 503.

RESOLVE ON THE PETITION OF SARAH COOK.

ON THE PETITION of Sarah Cook, praying for liberty to go to her husband at Newport, in the State of Rhode Island, with one of her children.

Resolved that the prayer of said Petition be granted and that the said Sarah Cook be and she hereby is permitted to go to Newport, in the State of Rhode Island, with her youngest child, and not to return again to this State without special leave of the General Court of said State. [*Passed February 12.*¹]

Legislative
Records of the
Council,
xxxix., 92.
Mass.
Archives,
ccxxi., 68.
Mass.
Archives,
ccxxi., 69.

CHAPTER 504.

RESOLVE DIRECTING THE TREASURER TO RECEIVE THE TAXES COLLECTED BY THE CONSTABLES OF WEST SPRINGFIELD.

Resolved that the Treasurer of this State be and he hereby is directed to receive of the Constables of West Springfield, viz., Timothy Flower, Gideon Day and John Miller, Jr., the taxes committed to them to collect and give legal discharges therefor, his execution having been issued against said Constables notwithstanding, and that the said Treasurer is hereby directed to write to such Sheriff as has received such execution to return them without service said Constables having collected said taxes without receiving said Treasurer's warrants. [*Passed February 12.*²]

Legislative
Records of the
Council,
xxxix., 102.
Mass.
Archives,
ccxxi., 67.

CHAPTER 505.

ORDER DIRECTING COL. BENJAMIN HAWES TO REPORT THE NUMBER OF VACANCIES IN HIS REGIMENT, ETC.

WHEREAS it has been represented to this Court that several companies in the fourth regiment of militia in the County of Suffolk are vacant of commissioned officers, and other difficulties and disorders are subsisting within the same: Therefore

Ordered that Col. Benjamin Hawes be and he hereby is directed to make a representation in writing to this Court of the state of said regiment, viz., how many companies are vacant of commis-

Legislative
Records of the
Council,
xxxix., 104.
Mass.
Archives,
ccxxi., 77.

¹ This date is February 9 according to Legislative Records of the Council.

² This date is February 11 according to Legislative Records of the Council.

sioned officers and what reasons are assigned for such vacancies, and such other difficulties and disorders in said regiment as are come to his knowledge, and lodge the same in the Secretary's office as soon as may be, that order may be taken thereon as this Court shall think proper. [*Passed February 12.*]

CHAPTER 506.

RESOLVE ON THE PETITION OF JOHN FAY.

Legislative
Records of the
Council,
xxxix., 106.
Mass.
Archives,
cxxxiv., 204.

ON THE PETITION of John Fay, setting forth that he was not made up in Capt Jonathan Rice's pay roll to Bennington longer than the seventeenth of October, 1777, though his time was not out till the last of November then following, and praying for relief.

Resolved that the prayer of the Petition be granted and that there be allowed and paid out of the Treasury of this State to John Fay, the sum of Three pounds, seven shillings, in full of this State's pay for his service from the seventeenth of October to the thirtieth day of November following. [*Passed February 12.*]

CHAPTER 507.

RESOLVE ON THE PETITION OF JONATHAN BREWER, ESQ^r.

Legislative
Records of the
Council,
xxxix., 106.
Mass.
Archives,
ccxi., 87.

THE COMMITTEE on the Petition of Jonathan Brewer and the papers accompanying, having considered the same, report the following Resolve which is submitted.

W. SEVER *pro*dr.

Mass.
Archives,
ccxi., 88-95.

Resolved that the Justices of the Superior Court of Judicature, &c., be and they are hereby authorised, if they think fit, to grant a new trial to Jonathan Brewer, Esq^r, who was by a verdict of a jury at the said Superior Court held at Cambridge in October last convicted of the crime of perjury.

In Council

Read and accepted

In the House of Representatives

Read and concurred. [*Passed February 12.*]

CHAPTER 508.

RESOLVE DIRECTING THE NAVAL OFFICER OF BOSTON NOT TO CLEAR VESSELS LADEN WITH MASTS, SPARS OR NAVAL STORES.

Legislative
Records of the
Council,
xxxix., 106.
Mass.
Archives,
ccxi., 96.

Mass.
Archives,
ccxi., 154-156.

Resolved that the Naval Officer of the port of Boston be and hereby is directed not to clear out any vessel from the said port that has taken on board as cargo any masts, spars or naval stores, until he has reported to the Council the name of the vessel and of the person who commands her, and the destination of said vessel; and that he cause a search to be made of all vessels about sailing from this harbor and for the clearance of which application shall be made, in order to discover whether such vessels have on board any masts, spars or naval stores; and in case he shall find any of the articles aforementioned on board he is not to clear them out until he has made report to the Council and has received their orders thereupon. [*Passed February 12.*]

CHAPTER 509.

RESOLVE FOR CONTINUING STATE MUSTER MASTERS IN SERVICE.

WHEREAS it is necessary that the Muster Masters in the several counties within this State be continued in service and that they be supplied with money:

Resolved that the Muster Masters in the several counties in this State be continued in said service. And it is further

Resolved that the Hon^{ble} Council give warrants to said Muster Masters on the Treasurer of this State for such sums of money or State notes, as the Council shall think necessary to enable them to make payment to such soldiers as have already or may hereafter enlist in the Continental service for three years or during the war, which have not already received the same; said Muster Masters being accountable to this Court for the same. [*Passed February 12.*]

Legislative
Records of the
Council,
xxxix., 107.
Mass.
Archives,
ccxi., 98.

CHAPTER 510.

LETTER TO THE PRESIDENT OF CONGRESS.

STATE OF MASSACHUSETTS BAY

Council Chamber, Boston, February 12, 1779.

SIR,

Inclosed is a representation from Monsieur Valnais, Vice Consul and Vice Agent of France in this port relative to a seaman who is by him considered as a subject of France, as also a report of a Committee appointed to look into this matter.

As Monsieur Valnais grounds his claim on Treaties subsisting between His Most Christian Majesty and the United States of America, and as it appears to be a matter of importance to the United States, we have thought proper to lay it before Congress, apprehending that it will be expedient that one general rule of conduct should take place in instances of this kind.

In the name and behalf of the General Court,

I am, with great respect,

Sir,

Your most obedient humble servant,

Jer: POWELL, President.

The Hon^{ble} JOHN JAY, Esq^r.

In Council

Read and accepted.

In the House of Representatives

Read and concurred. [*Passed February 12.*]

Legislative
Records of the
Council,
xxxix., 105.
Mass.
Archives,
ccxi., 85.

Mass.
Archives,
ccxi., 78-84.

CHAPTER 511.

ORDER APPOINTING A COMMITTEE TO REPORT ON THE CONDITION OF THE POWDER MILL AT STOUGHTON.

In the House of Representatives

Ordered that Gen^l. Lovell, Col^o. Peck and Capt. Brooks, with such as the Honorable Board shall join, be a Committee to take into consideration the situation of the Powder Mill belonging to this State at Stoughton, and the several Resolves respecting the

Mass.
Archives,
ccxi., 97.

delivering powder to the Selectmen of Towns; also a late Resolve of this Court directing the French gentlemen, who are appointed by Congress to superintend the Powder Mills and the manufacturing Gun Powder in the United States of America; to repair to said Powder Mill at Stoughton aforesaid, and to report what is proper to be done with respect to the several matters herein contained.

In Council

Read and concurred and Samuel Wales and John Pitts, Esq^{rs}, are joined.

CHAPTER 512.

RESOLVE ON THE PETITION OF JONAS FARNSWORTH IN BEHALF OF CAPT. JOHN SCOTT AND OTHERS.

Legislative
Records of the
Council,
xxxix., 107.

Mass.
Archives,
ccxx., 389.

Resolved that there be allowed and paid out of the public Treasury of this State to Jonas Farnsworth, for the use of Capt. John Scott and company, the sum that shall appear due on his roll, and the Committee on Rolls are hereby directed to examine said roll for that purpose. Also

Resolved that the Board of War be directed to give orders on the Commissary General to deliver to Jonas Farnsworth for the use of Capt. John Scott and company, Three hundred and eighty rations in full of what appears due to them.

Also

Resolved that the Board of War be directed to give orders on the Commissary General for fifteen gallons, three quarts and one pint of Rum to be delivered to Jonas Farnsworth for the use of Capt. John Scott, which he borrowed for the service when going to Cumberland as a reinforcement for Colonel Eddy, it being in full discharge of that account. Also

Resolved that there be allowed and paid out of the public Treasury of this State to Jonas Farnsworth for the use of Capt. John Scott, Twenty-five pounds, in full for the hire and damage of boats when going to Cumberland as a reinforcement in the year Seventeen hundred and seventy-six. Also

Resolved that the Board of War be directed to give orders on the Commissary General to deliver Jonas Farnsworth for the use of Capt. Jacob Ludwig and company, Eleven hundred and eight rations, which appear due to them when raised for the defence of Machias in the year Seventeen hundred and seventy-seven, in full discharge of Capt. Ludwig's abstracts.

Also

Resolved that the Board of War be and they are hereby directed to give orders on the Commissary General to deliver Jonas Farnsworth, Two hundred and thirty-one rations, which it appears he advanced to a part of Capt. Nicholas Crosby's company when raised for the defence of Machias in the year Seventeen hundred and seventy-seven, in full discharge of that account.

Also

Resolved that there be allowed and paid out of the public Treasury of this State Sixty-seven pounds, seventeen shillings, to Jonas Farnsworth in full discharge of his account for freight and storage of rations allowed to the militia at Machias by a Resolve of this Court passed April thirtieth, Seventeen hundred and seventy-eight, all which appears due by a strict examination and vouchers for the same.

Also

Resolved that the Board of War be and hereby are directed to pay Jonas Farnsworth the freight of the rations to Machias that

are granted by the foregoing Resolves, as shall appear to them reasonable and just, he giving a receipt in full discharge of the same. [*Passed February 13.*]

CHAPTER 513.

RESOLVE ON THE PETITION OF DAVID FOSTER.

ON THE PETITION of David Foster, of Pembroke, in the County of Plymouth, setting forth that the pension granted him by the Great and General Court in the year 1763, by reason of the advanced price of provisions is not sufficient for his support.

Resolved that there be paid out of the public Treasury of this State, the sum of Seventy-two pounds, as a pension from June 7, 1778, to June 7, 1779, and that one half of said sum be advanced to him at this time. [*Passed February 13.*]

Legislative
Records of the
Council,
xxxix., 109.
Mass.
Archives,
clxxxv., 21.
Mass.
Archives,
clxxxv., 23.

CHAPTER 514.

RESOLVE ON THE PETITION OF CAPT. NATHANIEL HEATH.

ON THE PETITION of Nathaniel Heath, praying for allowance and payment for a company of men under his command, drafted agreeable to a Resolve of the General Court of the 16th of September, 1777.

Resolved that there be allowed and paid out of the public Treasury of this State to Nathaniel Heath for the use of his company, the sum of twenty shillings per month to each man, agreeable to said Resolve, and the Committee on Rolls are hereby directed to examine and pass his roll for that purpose. [*Passed February 15.*]

Legislative
Records of the
Council,
xxxix., 109.
Mass.
Archives,
ccxii., 99.
Mass.
Archives,
ccxii., 100.

CHAPTER 515.

RESOLVE ON THE PETITION OF THOMAS PRATT AND OTHERS, SELECTMEN OF THE TOWN OF CHELSEA.

Resolved that the prayer of the petitioners be so far granted as that the present Assessors be and they are hereby directed and impowered to assess the inhabitants of said Town of Chelsea, the sum of Ninety-nine pounds, three shillings and seven pence, one farthing, it being the sum laid on said town as a State Tax in the year 1775, which sum said town have by some means hitherto neglected to assess or collect of said inhabitants; and the Treasurer is hereby directed to issue his warrants to the Constables of said Chelsea in due form of law for collecting the same. [*Passed February 15.*]

Legislative
Records of the
Council,
xxxix., 110.
Mass.
Archives,
ccxxi., 101.
Mass.
Archives,
ccxxi., 102.

CHAPTER 516.

RESOLVE ON THE PETITION OF CAPT ALLEN HALLET.

ON THE PETITION of Allen Hallet, commander of the Brigantine Tyrannicide, praying that the Board of War may be enabled to supply the men under his command with a quantity of shoes,

Legislative
Records of the
Council,
xxxix., 110.

Mass.
Archives,
ccxxi., 103.

Mass.
Archives,
ccxxi., 104.

stockings, shirts and blankets, they not being able to supply themselves otherways before said Brigantine will be ready to sail.

Resolved that the Board of War be and they hereby are directed to deliver to Capt. Allen Hallet for the use of the men belonging to the Tyrannicide, such quantity of shoes, stockings, shirts and blankets, as said Board think necessary, he paying such prices therefor as shall be set by the Board of War. [*Passed February 15.*]

CHAPTER 517.

RESOLVE ON THE REPRESENTATION OF JOHN M^CMASTER, CONSTABLE OF WILLIAMSTOWN.

Legislative
Records of the
Council,
xxxix., 112.
Mass.
Archives,
ccxxi., 105.

WHEREAS on representation made to this Court it appears that John M^CMaster, of Williamstown, was chosen and appointed Constable for said town for the year 1777, but before he could have opportunity to collect the taxes committed to him, the said John was drafted to serve in the Continental army; and on his being so drafted he delivered his said lists into the hands of the Assessors, who did not get any person to serve in his room until the said John returned home, and did then consent to receive of the Assessors the said lists again and did apply to the Treasurer for his warrant to collect the same, and did not obtain said warrant until November last and then proceeded to collect the taxes without delay; but before he could pay his money to the Treasurer, the said Treasurer had sent forward his execution against him which is likely to operate much to the injury of the said John: It is therefore

Resolved that the Treasurer of this State be and he is hereby directed to receive the money of John M^CMaster, Constable of Williamstown for the year 1777, and give his receipt therefor, his execution being issued against the said M^CMaster notwithstanding; and that the said Treasurer write to the Sheriff to return said execution without service unless such service has been already made. [*Passed February 15.*]

CHAPTER 518.

RESOLVE ON THE PETITION OF SARAH ELLS.

Legislative
Records of the
Council,
xxxix., 113.

ON THE PETITION of Sarah Ells, praying for an allowance for a horse lost by her late husband, who was killed in the battle of Meloomscuyek near Bennington in the year Seventeen hundred and seventy-seven.

Resolved that there be paid to Sarah Ells, or order, out of the public Treasury of this State, the sum of Twelve pounds, in full compensation for the horse lost by her husband at the battle aforesaid. [*Passed February 15.*]

CHAPTER 519.

RESOLVE ON THE PETITION OF JOAB STAFFORD AND STEPHEN DAVIS.

ON THE PETITION of Joab Stafford and Stephen Davis, representing to this Court the expenditures of the several town's stocks of powder, ball and flints at the battle at Bennington in the year 1777, as set forth in their Petition and praying for relief.

Legislative
Records of the
Council,
xxxix., 113.
Mass.
Archives,
ccxxi., 106.

Resolved that the prayer of said Petition be granted, and that the Board of War be and hereby are directed to deliver to the Committee of New Providence, or to their order, forty pounds of powder, one hundred and twenty pounds of lead and sixty flints; and to the Selectmen of the Town of Lanesborough, or to their order, one hundred and sixty pounds of powder, four hundred and eighty pounds of lead and two hundred and forty flints; likewise to the Selectmen of East Hoosuck, or to their order, fifty pounds of powder, one hundred and fifty pounds of lead and seventy two flints; and to the Selectmen of the Town of Williamstown, or to their order, one hundred and sixty pounds of powder, four hundred and eighty pounds of lead and two hundred and forty flints; in full for what powder, ball and flints those places expended at the battle at Bennington. [*Passed February 15.*]

Mass.
Archives,
ccclxxv., 11.

CHAPTER 520.

RESOLVE ON THE PETITION OF MAJ. EBENEZER BEMENT.

ON THE PETITION of Ebenezer Bement, praying for liberty to purchase a suit of clothes of the Board of War at the same rate they are sold at, for reasons set forth in said Petition.

Legislative
Records of the
Council,
xxxix., 114.
Mass.
Archives,
ccxxi., 107.

Resolved that the Board of War be and they hereby are directed to deliver to Major Ebenezer Bement, cloth and trimmings sufficient for a suit of clothes suitable to his rank, he paying for the same at the same rate they are sold for to the other officers of the army. [*Passed February 15.*]

Mass.
Archives,
ccclxxv., 108.

CHAPTER 521.

LETTER TO DELEGATES IN CONGRESS.

THE COMMITTEE of both Houses, appointed to consider the letter from Major General Gates and report what is proper to be done thereon, report:

Legislative
Records of the
Council,
xxxix., 111.

That a letter be sent to our Delegates at Congress of the purport of the annexed, and that a Committee of both Houses of Assembly be appointed to examine the present state of the fortifications in and about Boston and the harbour thereof, and report what may be necessary further to be done in addition thereto, or in the repairs thereof.

Boston, Feby 12, 1779.

SIR,

The General Assembly of this State have under consideration a letter from Major General Gates in which he gives it as his opinion founded on several reasons mentioned in said letter, that

the enemy will attempt a depredatory war in New England the next campaign, and earnestly requests an attention to a supply of the public Magazines in this State with Bread and Flour, articles so very necessary that an army cannot possibly subsist without them.

This Assembly being justly alarmed by the public Magazines in this State being almost destitute of those articles, and the impracticability of supplying them by the utmost exertions of this State, which have been and still must be put to the greatest stretch, even to supply its inhabitants with necessary bread, are constrained to make this representation to Congress, that effectual measures may be immediately adopted to supply the Continental Magazines here with that article, to avoid the calamity and even horror of an attack by a formidable enemy upon this State, unsupplied with Bread, and such resources at the distance of three hundred miles land carriage. Under such circumstances, the United States will be deprived of the arms of the militia of this and the other New England States which are necessary, and under other circumstances so ready and well pointed, aided by disciplined troops, to chastise the invaders of the Rights and Liberties of the United Independent States of America. Should an attack on this or either of the New England States be thought improbable, yet the object is of such importance that common prudence will direct to guard against the worst, that our timely precautions may disappoint the enemy, who will endeavour to improve every advantage, and we escape the calamities we fear.

The importance of the harbour of Boston to the United States and their illustrious ally, is an object sufficient to attract the attention of the enemy. The number of their force on Rhode Island, with an addition on the east end of Long Island, which may soon be conjoined, and our being destitute of any Continental troops make it probable our enemy meditate a descent here. Such appearances necessarily apply to the feelings of this Assembly, and urge us to call on Congress for some proportion of the Continental Army to co-operate with our militia in the defence of this State. As this is the season for preparation, we depend upon the united wisdom of these States in Congress, and however importunate we are on these matters, shall rest assured the determination thereof will be for the General Good.

In Council.

Read and accepted and *Ordered* that the President of the Council be and he hereby is desired to sign the said letter in the name and behalf of the General Assembly.

In the House of Representatives. Read and concurred. [*Passed February 13.*]

CHAPTER 522.

LETTER TO THE EXECUTIVES OF OTHER STATES.

SIR,

We wrote to your State a few days since, informing of our application to Congress relative to the Embargo, the scarcity of Provisions with us (more especially of Grain) together with the causes thereof, and earnestly requesting that friendly aid and assistance herein, which we trust the sister States will be ever ready to grant to the mutual comfort and advantage of each other. We have since directed the Board of War of this State to import Grain or Flour from your State, provided we may be permitted so to do; which favor, if we may be so happy as to obtain, we shall feel peculiar obligation at this time and be ready on our part at

all times to reciprocal acts of friendship and benevolence. And we flatter ourselves that the late conduct of this State in a similar case will be a sufficient apology for our present application.

In the House of Representatives.

Read and accepted and *Ordered* that fair copies of the within letter be signed by the President of the Council and forwarded to the supreme Executive of such States as the Board of War shall desire.

In Council

Read and concurred. [*Passed February 15.*]

CHAPTER 523.

RESOLVE ON THE PETITION OF ISAAC LASCELLES WINN.

UPON THE PETITION of Isaac Lascelles Winn, of the Island of Jamaica, praying for leave to purchase or build a small vessel to carry him, his nephew Richard Howson and George Atkinson his clerk, now prisoners in this State, to the Island aforesaid.

Legislative
Records of the
Council,
xxxix., 103.
Mass.
Archives,
ccxi., 116, 118.
Mass.
Archives,
ccxi., 117,
119-124;
ccxxxv., 13,
17.

Resolved that the said Isaac be and he hereby is permitted to be at large, and his Petition is so far granted as that he may purchase a small vessel and in her depart from this State for the Island of Jamaica, taking with him his nephew Richard Howson and George Atkinson his clerk, and as many hands to navigate and as much provision as the Board of War shall judge necessary for said voyage; the said Winn giving his parole to return as many of the subjects of the United States in exchange for himself and the persons he has leave to take with him, or to return himself with the aforesaid persons. And the Commissary of Prisoners is hereby directed to deliver the said Winn as many prisoners as the Board of War shall judge necessary for navigating the vessel Mr Winn is hereby permitted to buy. [*Passed February 16.*]¹

CHAPTER 524.

RESOLVE ON THE PETITION OF CAPT. JOHN BOYNTON AND LIEUT. SILAS CUTLER.

ON THE PETITION of Capt. John Boynton and Lieut. Silas Cutler, praying for allowance and pay for the men that marched to Bennington under their command on an alarm on the 27th of July, 1777.

Legislative
Records of the
Council,
xxxix., 108.
Mass.
Archives,
ccxi., 109.

Resolved that there be allowed and paid out of the public Treasury of this State to each noncommissioned officer and private soldier that marched to Bennington under the command of said Boynton and Cutler, Twenty shillings per month, from the time of their marching to the time of their return home; also that they be allowed the same for mileage and carrying packs that was allowed to the militia by a Resolve of the 23^d of September, 1777. It is further

Resolved that there be allowed and paid out of said Treasury the Continental pay roll of said Boynton, and that the same be charged to the Continental account, and the Committee on Rolls be and they hereby are directed to pass said roll accordingly. [*Passed February 16.*]²

¹ This date is February 11 according to Legislative Records of the Council.

² This date is February 13 according to Legislative Records of the Council.

CHAPTER 525.

RESOLVE APPOINTING WILLIAM LYMAN COMMISSARY IN THE
NORTHERN AND SOUTHERN DEPARTMENTS.

Legislative
Records of the
Council,
xxxix., 115.
Mass.
Archives,
ccxxi., 115.

Resolved that Mr William Lyman be and hereby is appointed a Commissary of this State in the room of Levi Shephard, Esq^r, in the Southern Department and Hezekiah Smith, Esq^r, in the Northern Department; and that the said William Lyman be and he is hereby directed to repair to camp without delay and receive from the said Levi Shephard and Hezekiah Smith all the Cloathing and Stores, the property of this State, which they or either of them may have on hand; and the said Shephard and Smith are hereby directed to deliver to the said Lyman all such articles as they may have on hand which are the property of this State, taking duplicate receipts for the same, one of which to be lodged with the Committee appointed to state and settle the accounts of this State; and the said William Lyman is further directed to distribute to that part of the Continental Army raised in this State, the Cloathing and Stores he may from time to time receive in such manner as is or may be ordered by the General Court; for which purpose he is hereby impowered to appoint three Deputies, if the service requires it, the said Lyman to be accountable to the General Court of this State for his doings in said office when and so often as required. And it is further

Resolved that their be allowed to the said William Lyman Thirty pounds per month, and to each of his Deputies Eighteen pounds per month, for each calendar month they shall be in the service aforesaid. [*Passed February 16.*]

CHAPTER 526.

RESOLVE DIRECTING THE COMMITTEE APPOINTED TO SETTLE
DISPUTES BETWEEN TOWNS CONCERNING THEIR RESPECTIVE
QUOTAS TO COMPLEAT THEIR BUSINESS.

Legislative
Records of the
Council,
xxxix., 115.
Mass.
Archives,
ccxxi., 112.

WHEREAS upon examination in consequence of a report of the Committee for settling disputes between the towns in the several counties in this State respecting their quotas of men in the Continental Army, it appears that the Committees in the Counties of Plymouth, York, Hampshire, Berkshire and Lincoln, who were appointed in April last to settle disputes between the towns in their respective counties concerning their several towns' quotas of men in the Continental Army, have not complied with the design of their appointment and the subsequent Resolves thereon, by reason of which the aforesaid Committee cannot proceed to compleat the business assigned them:

Resolved that the Committees in the several Counties of Plymouth, York, Hampshire, Berkshire and Lincoln, who were appointed on the 29th of April last to settle disputes between the towns in their respective counties concerning said towns' quotas of men in the Continental Army, be and they are hereby directed and enjoined to compleat the affair, agreeable to their appointment, and the subsequent Resolves thereon, and lodge the same in the Secretary's office on or before the fifteenth day of April next, that the whole affair may be equitably adjusted.

Resolved that if any of the Militia Officers or Selectmen of any Town, or Committees of Correspondence, &c., of any Plantations

neglect or refuse to make return to the Committee, if required, of the number of men, &c., agreeable to the Resolve of the 15th of October last, every such delinquent Officer, Selectman or Committee-man shall be liable to pay a fine of One hundred pounds to the use of the government, to be recovered by action of debt at the suit of such person or persons as the Court shall appoint to bring the same; and that if any of the Committees, who were appointed by the General Court in the several counties aforesaid for the purpose aforesaid, shall neglect to make return agreeable to this and the former Resolves relative to the whole affair, each member of such Committee shall be liable to a fine of One hundred pounds to the use of the government, to be recovered in manner as aforesaid; and as the final settlement of the affair cannot be completed by the time set therefor:

Resolved that the Committee appointed for settling disputes between the towns in the several counties respecting their quotas of men in the Continental Army, be and they are hereby directed to meet at the State House in Boston on the twenty-first day of April next; then and there to proceed on the business for which they were appointed by the Resolve of the 17th of June last, and make return of their doings into the Secretary's office on or before the tenth day of May next. [*Passed February 16.*]

CHAPTER 527.

RESOLVE IMPOWERING SARAH PETTINGILL, ADMINISTRATRIX, TO MAKE SALE OF REAL ESTATE.

ON THE PETITION of Sarah Pettingill, of Newbury, in the County of Essex, Administratrix (de bonis non) of the estate of Stephen Pettingill, late of Newbury Port in said County, deceased, praying that she may be empowered to sell one moiety of a small piece of land, the whole containing about one acre and one third part of an acre, in Newbury Port aforesaid, for the reasons set forth in her Petition.

Resolved that Sarah Pettingill, of Newbury, in the County of Essex, Administratrix (de bonis non) of the estate of Stephen Pettingill, late of Newbury Port in the County aforesaid, deceased, be and she is hereby empowered to sell for the most the same will fetch, one moiety or half part of a piece of land in said Newbury Port, the whole being bounded as follows, viz. Southerly on King street, Southwesterly on land of Daniel Plummer and others, Northwesterly on land of Edmund Sweet and others, and Northeasterly on land of Mr Norton and Mr Samuel Gerrish, and make and execute a good and lawful deed or deeds of the same; she giving proper security to the Judge of Probate for the said County of Essex, that the neat proceeds arising by said sale shall be applied for the payment of the said Stephen's debts, and the surplus (if any there be) shall be paid to such legatee or legatees as would have inherited the said piece of land by virtue of the last will and testament of the said Stephen if this Resolve had not passed. [*Passed February 16.*]

Legislative
Records of the
Council,
xxxix., 117.
Mass.
Archives,
ccxxi., 110.
Mass.
Archives,
ccxx., 342-349;
ccxxi., 111.
Legislative
Records of the
Council,
xxxix., 59.

CHAPTER 528.

RESOLVE ON THE PETITION OF BENJAMIN BROWN.

Legislative
Records of the
Council, 118.
Mass.
Archives,
ccxxi., 126.

Mass.
Archives,
ccxxi., 127.

ON THE PETITION of Benjamin Brown, praying for liberty to remove with his family and effects from Nova Scotia to this State.

Resolved that Benjamin Brown be and he is hereby permitted to return with his family and effects from Nova Scotia to Beverly in this State; and the Hon^{ble} Council are hereby requested to grant him a protection for that purpose. [*Passed February 17.*]

CHAPTER 529.

RESOLVE ON THE PETITION OF JAMES NEWHALL AND OTHERS.

Legislative
Records of the
Council, xxxix., 116.
Mass.
Archives,
ccxxi., 132,
132½.

Mass.
Archives,
ccxxi., 133, 134.

ON THE PETITION of James Newhall and others, children and heirs of Benjamin Newhall, late of Lynn, in the County of Essex, Esq^r, deceased, intestate, representing that administration of said estate was in July, A.D. 1764, granted to his son Benjamin Newhall of said Lynn, cordwainer, since deceased, who in settling the demands against said estate, advanced the sum of Two hundred and sixty-seven pounds, four shillings and two pence, two farthings of his own money, and praying for reasons offered that several parcels of the estate of the said Benjamin Newhall, Esq^r, may be made the estate of his Administrator abovementioned, and that the same be considered as a full discharge of the balance of his account.

Resolved that the several following parcels of the said Benjamin's real estate, viz. the said Benjamin's late dwelling house and barn, with two gardens and three acres of land adjacent thereto, as it is now fenced, being in said Lynn near the old Meeting House; also three acres of land in his field as it is now fenced; also nine acres of woodland at Duck Pond, so called, near Salem line; also five acres of land in Rail hill pasture, so called; also six acres and a half of salt marsh in Romney marsh adjoining Ballard's field; shall for the reasons set forth in said Petition be deemed, taken and adjudged to all intents and purposes to be the estate in fee of all the surviving heirs at law of the said Benjamin Newhall, Administrator as aforesaid, deceased, and shall be held by them in as full and ample a manner and be alike disposed of and distributed to and among them, in all respects as the same would and ought to be disposed of and distributed in case the said Benjamin Newhall had died actually seized and possessed thereof in fee, subject however to the payment of his debts; and the balance of the said Benjamin's administration account, amounting to the said sum of Two hundred and sixty-seven pounds, four shillings and two pence, two farthings, is hereby cancelled and discharged, and James Newhall, who is Administrator of the said estates, is hereby directed to cause an attested copy of this Resolve with the Petition and estimate thereto annexed, to be entered with the records of the Court of Probate of the County of Essex. [*Passed February 18.*]¹

¹ This date is February 16 according to Legislative Records of the Council.

CHAPTER 530.

RESOLVE ON THE PETITION OF JAMES SWAN.

ON THE PETITION of James Swan, in behalf of himself and others, owners of the Ship Leighton, praying she may have liberty to sail on her voyage to the West Indies, for reasons set forth in said Petition.

Resolved that the prayer of said Petition be granted, and that the Naval Officer for the port of Boston be and he hereby is permitted to clear out the Ship Leighton, any former Order of Court to the contrary notwithstanding. [*Passed February 19.*¹

Legislative
Records of the
Council,
xxxix., 118.
Mass.
Archives,
ccxxi., 151a,
153.

Mass.
Archives,
ccxxi., 150, 152.

CHAPTER 531.

RESOLVE DIRECTING THAT SEQUESTERED GOODS, EFFECTS BELONGING TO ABSENTEES' ESTATES, ETC., BE SOLD.

WHEREAS the preservation of the public faith requires that the Treasurer be enabled forthwith to discharge the Gratuity promised in May last to the officers and soldiers of the fifteen battalions raised by this State:

Resolved that the Board of War be and they are hereby directed to sell at public auction all the effects taken from the Somerset, Man of War, reserving only such articles as are necessary for the public use and can't be elsewhere obtained. And whereas the property of said effects is in dispute:

Resolved that effectual provision be made to enable the Treasurer to pay in circulating currency to any individuals that may be finally determined by a Court proper to try the same, to be interested therein (if any such there should be) their proportion that shall be so adjudged to them, within one month after such final adjudication, and that such proportion shall be paid without any deduction for the charges of sale and with interest from the time of sale to the time of payment.

Resolved that the Committee of Sequestration of the Town of Boston be and they are hereby directed to cause to be forthwith returned to them all the sequestered goods they have lent to any person or persons of their own accord or by order of government, excepting those delivered to the Hon^{ble} General Gates and to the Adjutant General of this State. And the said Committee are hereby directed to sell at public auction all the sequestered goods so returned, and also all goods of the kind above described which they have on hand. And if any person or persons shall refuse or neglect immediately to return such goods when ordered, said Committee are directed without delay to report to this Court their names and the articles they detain.

Resolved that all Committees of Correspondence, Inspection and Safety, or other Committees who have under their care any effects belonging to any person who hath left this State since the nineteenth of April, A.D. 1775, and joined the enemy thereof, or who left the State before the said nineteenth of April, and have since joined the enemy and have not had liberty from the General Assembly of this State to return to the same again, and on which no Agent hath been appointed by any Judge of Probate for any County in this State, be and they are hereby directed to sell at

Legislative
Records of the
Council,
xxxix., 119.
Mass.
Archives,
ccxxi., 146-149.

Mass.
Archives,
ccclxxv., 12.

¹ This date is February 18 according to Legislative Records of the Council.

public sale all the personal estate now in their actual possession belonging to any such person.

And it is further

Resolved that the Board of War, Committee of Sequestration, Committees of Correspondence, &c., and other Committees as aforesaid, be and they are hereby required to pay in circulating currency into the public Treasury, all monies which they shall receive for goods sold in consequence of these Resolves, or which they have before received for any such goods or estates belonging to such Absentees, which they have heretofore sold; and also all monies they have received for any rents of such real estates and which have not been before accounted for with the General Assembly of this State, taking two receipts of the Treasurer of the same tenor and date, one to be by such person, Committee of Sequestration or Correspondence immediately lodged with the Secretary of this State; said monies to be paid into the Treasury at or before the fifteenth day of March next, on pain of forfeiting the penalty of one per cent on all monies either of them shall detain beyond the time here limited for every week such money shall be so detained, unless sufficient reason can be given for such detention. And the said Board of War, Committee of Sequestration and Committees of Correspondence, &c., or other Committees shall return into the Secretary's office a true account of their proceedings on all such goods and estates with the expences that have arisen thereon, in order that the General Assembly may determine thereon and make such allowance and payment for such expences as may appear to be reasonable and just.

And in all the beforementioned cases notice shall be given of such sales in the Boston Gazette and Independent Chronicle (and where the sale is to be in the County of Worcester in the paper printed at Worcester) and also by posting up notifications thereof in the town where the sale is to be made and in the three towns next adjoining thereto; such notice to be given one week at least before the sale of any articles so advertised to be sold.

And be it also

Resolved that the several Agents on the estates of Absentees that have been appointed by any Judge of Probate in this State be and they are hereby required, directed and strictly enjoined immediately to exhibit inventories of the estate of which they are respectively appointed Agents to the Judge of Probate by whom they were appointed, provided they have not already done it, and to make up their accounts with the Judge aforesaid with all possible expedition; and after deducting or delivering such allowance to the wife or widow and family of such Absentee as the Judge shall have ordered agreeable to law, to pay the balance remaining in their hands to the Treasurer of this State, according as the law empowering the Judge of Probate to appoint Agents upon the estates of Absentees directs. [*Passed February 19.*¹]

CHAPTER 532.

RESOLVE FOR LEASING ABSENTEES' ESTATES AT PUBLIC AUCTION.

Resolved that all Agents on the estates of Absentees that have been appointed by any Judge of Probate for any County within this State, and all Committees of Correspondence, &c., or other Committees, where Agents have not been appointed, that have the

Legislative
Records of the
Council,
xxxix., 120.
Mass.
Archives,
ccxxi., 137-142.

¹ This date is February 18 according to Legislative Records of the Council.

care of the estates of persons who have left this State and joined the enemy thereof, be and they are hereby directed and strictly enjoined and impowered to lease out at public auction for circulating currency, to be paid by the lessee before he enters thereon, all the real estates of such Absentees, except what the Judges of Probate allow for the necessary support of the wife and family of such Absentees in the following manner, viz.

First. To give notice of the time and place of such auction in the Boston Gazette and Independent Chronicle (and where the estates lay in the County of Worcester in the paper printed in Worcester) and also by posting up notifications in some public place in the town where such estates lay and in three of the next adjoining towns, fourteen days at least before such auction, and that such estates shall be leased out at or before the first day of April next, and that for one year only from that time.

Second. The Agents or Committees shall lease out said estates in such convenient farms, lots or parcels, as they with the advice of the Selectmen of the town shall judge will be most beneficial to the public and least prejudicial to the estate.

Third. The said Agents or Committees shall make two leases to be interchangeably signed, one of which to be kept by such Committee or Agent; and in said lease shall oblige the lessee to deliver up the estate at the expiration of the term ending the first of April aforesaid, in as good tenantable repair both buildings, lands and fences as he found them, and to oblige the lessee to improve the same himself and not to lease it to another nor to take in more families into any house than what is particularly agreed upon and specified in the lease, taking especial care that the wood on such estates be not wasted or the manure carried off.

Fourth. The Agents or Committees shall every year after the present (in case said estates should not be sold by order of the General Assembly) lease out said estates again in the manner before described, saving that said leases shall be made one month at least before the expiration of the last term, and notice shall be given of such auction six weeks at least before the time of such auction in the same manner as is above described.

Fifth. The Agents or Committees shall pay all the monies arising from such rents unto the Treasurer of the State, taking duplicate receipts therefor, within thirty days after the time of receiving it, on pain of forfeiting one per cent for every week he or they shall detain the same, unless some reasonable excuse be made for such detention; saving that the Agent or Committee shall detain in their hands so much to compensate him or them for their trouble and expence as shall be allowed by the Judge of Probate for the same County; Judges of Probate being hereby authorized to settle and pass the accounts of Committees exhibited by the chairman or any one member thereof, who shall be authorized by a majority of the Committee to settle the same, and such Agents or Committees shall immediately lodge in the Secretary's office a copy of the settlement so made, attested by the Register, together with the Treasurer's receipt for the money paid to him, that the General Assembly may determine and act thereon as they may think proper.

And it is further

Resolved that all such Agents or Committees as are mentioned in this Resolve be and hereby are impowered and directed to bring all necessary actions for any strip or waste, trespass or damage done on such estates, of which they respectively have the care, either by the lessees or any other person or persons, and for all rents that are or may be due, in as full and ample a manner as if such Agents or Committees were the lawful owners thereof.

And it is further

Resolved that the Agents or Committees aforesaid in their leases oblige the lessees to pay all public taxes; provided nevertheless that nothing in this Resolve shall restrict the Agents to the estates of Thomas Flucker and Francis Waldo, Esq^{rs}, from leasing out the farm at Thomaston, in the County of Lincoln, called the Fort and Block House farm, including the Lime works belonging to the heirs of Brigadier Samuel Waldo, deceased, in the same manner in which it has been heretofore leased. [*Passed February 19.*¹

CHAPTER 533.

RESOLVE ON THE PETITION OF SHUBAEL COTTLE.

Legislative
Records of the
Council,
xxxix., 123.
Mass.
Archives,
ccxxi., 164.

Mass.
Archives,
ccxxi., 165.

ON THE PETITION of Shubael Cottle, Esq^r, in behalf of the Town of Tisbury.

Resolved that the Council of this State be and they hereby are desired to write to the authorities of the States of Connecticut and New York, requesting that John Holmes and Edmund Cottle may be permitted to purchase and import from the said State of Connecticut seven hundred bushels of Corn, twenty barrels of Pork and six barrels of Hog's fat; and from the State of New York one hundred barrels of Flour; the whole to be delivered at Tisbury to the Selectmen of said town, to be disposed of at their discretion for the use of the inhabitants. [*Passed February 19.*

CHAPTER 534.

RESOLVE ON THE PETITION OF JOSEPH WOOD.

Legislative
Records of the
Council,
xxxix., 123.
Mass.
Archives,
ccxxi., 158.

Mass.
Archives,
ccxxi., 159.

ON THE PETITION of Joseph Wood, praying that the guards that did duty on the Seacoast at Beverly from the first of January last until guards were appointed by this Court, might have the same pay and rations as are allowed to the Seacoast men that have been raised since.

Resolved that the sergeant, gunner and six matrosses that did duty as guards on the Seacoast and fort at Beverly from the first of January to the fifth of February inclusive, being one month and five days, be allowed the same wages and rations as are allowed to the soldiers raised for the defence of the Seacoast by a Resolve of this Court passed the 29th of January last. [*Passed February 19.*

CHAPTER 535.

RESOLVE ALLOWING £26. 8^s TO COL. JOHN BROWN.

Legislative
Records of the
Council,
xxxix., 123.

ON THE PETITION of Col. John Brown, praying for compensation for his journey and expence from the County of Berkshire to the Court at Boston, for the purpose of obtaining a proper reinforcement to oppose the enemy then marching toward that County.

Resolved that the prayer of the Petition be granted, and that there be paid out of the public Treasury of this State to Col. John Brown, the sum of Twenty-six pounds, eight shillings, in full of his account for said service. [*Passed February 19.*

¹ This date is February 18 according to Legislative Records of the Council.

CHAPTER 536.

RESOLVE ON THE PETITION OF LIEUT. JOHN TUCKER.

ON THE PETITION of Lieut. John Tucker, praying for credit at the Board of War in part for cloathing taken up for the officers of Col. Putnam's regiment.

Legislative
Records of the
Council,
xxxix., 124.
Mass.
Archives,
ccxxi., 160.

Resolved that the Board of War be and they hereby are ordered to credit the said Tucker the sum of One hundred and fifty-six pounds, for the purpose mentioned in the said Petition, and charge the same to Col. Putnam, he having engaged to pay the Board of War any sum credited to the said Tucker on account of cloathing, said Tucker to give his receipt and obligation in behalf of said Col. Putnam for the sum credited. [*Passed February 19.*]

Mass.
Archives,
ccxxi., 161.

CHAPTER 537.

RESOLVE ON THE PETITION OF SAMUEL DAGGETT.

ON THE PETITION of Samuel Daggett, setting forth that the Town of Needham was fined by the General Court in the year 1773 the sum of Twelve pounds, which fine was abated in the year 1774, and a warrant given to draw the sum of Twelve pounds out of the public Treasury, which sum has not been paid though said Daggett, the then Collector, paid the said sum to the Town Treasurer and took the warrant to discharge a part of the tax given him to collect: Therefore

Legislative
Records of the
Council,
xxxix., 124.
Mass.
Archives,
ccxxi., 166.

Resolved that the sum of Twelve pounds be allowed and paid out of the public Treasury of this State to Samuel Daggett, and that the Treasurer charge the same to the account of the late Treasurer Gray. [*Passed February 19.*]

Mass.
Archives,
ccxxi., 167, 168.

CHAPTER 538.

RESOLVE PROVIDING IN ESTABLISHMENT FOR THE MEN THAT GUARDED THE CONVENTION TROOPS FROM RUTLAND TO ENFIELD.

WHEREAS in the recess of the General Court the Hon^{ble} Council did on the 28th day of October, 1778, order a detachment of men for the purpose of guarding the Troops of the Convention from Rutland to Enfield, and promised them the same pay and rations the guards had that were then doing duty there: Therefore

Legislative
Records of the
Council,
xxxix., 124
Mass.
Archives,
ccxxi., 162.

Resolved that there be allowed and paid out of the public Treasury of this State the sum of Five pounds per month to each non-commissioned officer and private soldier, in addition to the Continental pay; and six pence per mile to each commissioned and non-commissioned officer and private soldier for travelling rations and carrying baggage; said mileage first to be paid by the Selectmen of those towns where such officers and soldiers respectively belong, and that said Selectmen lay an account of their payments before this Court for allowance; and the Captains or commanding officers of such detachments are hereby directed to make up their rolls for the wages aforesaid and exhibit them to this Court for the payment thereof. [*Passed February 19.*]

CHAPTER 539.

RESOLVE ON THE PETITION OF INHABITANTS OF THE FIRST
PRECINCT IN CAMBRIDGE.

Mass.
Archives,
ccxxii., 87.

UPON THE PETITION of the inhabitants of the first Precinct in Cambridge, living upon the south side of Charles River, praying to be set off into a distinct Parish.

Resolved that Walter Spooner, Moses Gill, Esq^{rs}, and Mr Gray, Mr Parker and Maj^r Washburn, be a Committee to repair to the first Precinct in Cambridge, to view the same, hear the parties, and report what they may judge proper to be done thereon, at the next sitting of the General Assembly, and that the expence of this business shall be settled as this Court shall hereafter order. [*Passed February 19.*]

CHAPTER 540.

RESOLVE IMPOWERING JUDGES OF PROBATE TO APPOINT AGENTS
TO MANAGE AND LEASE PROPERTY BELONGING TO SUBJECTS
OF GREAT BRITAIN.

Legislative
Records of the
Council,
xxxix., 114.
Mass.
Archives,
ccxxi., 143.

WHEREAS there are in this State divers houses and lands owned by persons, subjects of Great Britain, and who have not been inhabitants of this State or any of the United States of America, which houses and lands are now liable to waste and trespass for want of some suitable persons to take care of the same: Therefore

Resolved that the Judges of Probate in their respective Counties be and they hereby are empowered upon application therefor, to appoint some suitable person or persons as Agents to take care of and lease out to the best advantage such houses and lands before described as lay within the respective Counties of the said Judges, and the said Agents in their own names are also hereby empowered to bring all necessary actions for rents, and for any strip, waste or damage to the same, as fully to all intents and purposes as though they owned the same; the said Agents to give bond with sufficient sureties to the said Judges for the faithful discharge of their said office, and to account for their proceedings when thereto required, and to pay what monies may be in their hands with the interest thereof to such person or persons as the General Court may hereafter order. [*Passed February 20.*]¹

CHAPTER 541.

RESOLVE DESIGNATING FORM OF NOTES TO BE GIVEN BY TREASURER
FOR THE £200,000 LOAN.

Legislative
Records of the
Council,
xxxix., 125.
Mass.
Archives,
ccxxi., 193.

WHEREAS by a Resolve of this Court dated the 26th of January last, the Treasurer of this State was directed to hire a sum not exceeding Two hundred thousand pounds, for the purpose of importing into this State a quantity of Flour, Wheat, Indian Corn, Rye and Rice; and whereas no direction was therein given in what manner the Treasurer should give his notes for the said money, or method pointed out for the payment of said money: Therefore

Resolved that the Treasurer of this State be and he hereby is

¹ This date is February 16 according to Legislative Records of the Council.

directed to give his note for the money he shall hire for the purpose aforesaid in the form following, viz.

Treasurer's Office, State of Massachusetts Bay, day of
1779. Pursuant to a Resolve of the General Court
of said State dated January 26th, 1779, borrowed and received of
A. B. for the use of said State the sum of for the
purpose of carrying into execution said Resolution, and in behalf
of said State I oblige myself or successor in said Office to repay
the said A. B. the sum of within six months from the
Date hereof, with Interest at the Rate of Six per cent per Annum.

And it is further

Resolved that the Board of War be directed to sell all such
Flour, Wheat, Corn, &c., which may not be necessary for the
public Magazines, and pay the amount to the Treasurer of this
State to enable him to repay the aforesaid notes; provided how-
ever, if any sum or sums may be due after the sale of said Flour
and Grain, this government hereby engage to all persons who may
lend money for the salutary purpose aforesaid, that they will
make effectual provision for the repayment of the same by the
time for which it is hired. [*Passed February 20.*]

CHAPTER 542.

RESOLVE ESTABLISHING THE PAY OF MEMBERS OF THE GENERAL COURT.

Resolved that the pay of the members of the General Assembly
for their attendance the present session be as follows, viz. to the
members of the Honorable Council Three pounds per day, to the
members of the House of Representatives Forty-eight shillings per
day. [*Passed February 20.*]

Legislative
Records of the
Council,
xxxix., 126.
Mass.
Archives,
ccxi., 187.

CHAPTER 543.

RESOLVE PROVIDING THAT WRITS, PROCESSES, ETC., RETURNABLE AT SALEM COURT SHOULD HAVE DAY AT IPSWICH COURT.

WHEREAS by reason of the sickness of one and absence of two
others of the Justices of the Inferior Court of Common Pleas for
the County of Essex, the same Court could not be holden at
Salem on the last Tuesday of December last, which by law it
ought to have been; and whereas the Justices of the Court of Gen-
eral Sessions of the Peace which ought by law to have been
holden at the same time and place, were prevented in general from
attending on account of the roads being impassable, by reason
whereof the same Court was adjourned to the Tuesday preceding
the last Tuesday of March next, to be holden at Salem: Therefore

Resolved that all writs and processes and all recognizances, which
were returnable, and all appeals made to the Courts aforesaid,
which ought to have been holden at Salem on the last Tuesday of
December last, may and shall be returnable and made to the In-
ferior Court of Common Pleas and Court of General Sessions of
the Peace respectively, to be holden at Ipswich, within and for
the County of Essex, on the last Tuesday of March next; and the
same proceedings shall be then and there had thereon, as if the
same Courts were originally to have taken cognizance thereof.

Legislative
Records of the
Counel,
xxxix., 126.
Mass.
Archives,
ccxi., 188.

And that all actions which would have had day at the Courts respectively, to have been holden in December as aforesaid shall in the same manner have day, and the same proceedings shall be had thereon at the said Courts to be holden in March as aforesaid, as might have been had at the said Inferior Court and Court of General Sessions of the Peace in December last. And that the Secretary cause this Resolve to be printed as soon as may be in two of the Boston News Papers. [*Passed February 20.*]

CHAPTER 544.

RESOLVE RESPECTING A NEW CONSTITUTION OF CIVIL GOVERNMENT.

Legislative
Records of the
Council,
xxxix., 126.
Mass.
Archives,
ccxxi., 191.

Mass.
Archives,
clx., 32;
ccxxi., 24.

WHEREAS the Constitution or Form of Civil Government which was proposed by the late Convention of this State to the people thereof, hath been disapproved by a majority of the inhabitants of said State:

And whereas it is doubtful from the representations made to this Court, what are the sentiments of the major part of the good people of this State as to the expediency of now proceeding to form a new Constitution of Government:

Therefore

Resolved that the Selectmen of the several towns within this State cause the freeholders and other inhabitants in their respective towns duly qualified to vote for Representatives, to be lawfully warned to meet together in some convenient place therein, on or before the last Wednesday of May next, to consider of and determine upon the following questions.

First, whether they choose at this time to have a new Constitution or Form of Government made.

Secondly, whether they will empower their Representatives for the next year to vote for the calling a State Convention for the sole purpose of forming a new Constitution; provided it shall appear to them, on examination, that a major part of the people present and voting at the meetings called in the manner and for the purpose aforesaid, shall have answered the first question in the affirmative.

And in order that the sense of the people may be known thereon: Be it further

Resolved that the Selectmen of each town be and hereby are directed to return into the Secretary's office, on or before the first Wednesday in June next, the doings of their respective towns on the first question abovementioned, certifying the numbers voting in the affirmative and the numbers voting in the negative on said question. [*Passed February 20.*]

CHAPTER 545.

RESOLVE ON THE PETITION OF JOHN NICHOLSON.

Legislative
Records of the
Council,
xxxix., 128.
Mass.
Archives,
ccxxi., 184.

ON THE PETITION of John Nicholson, of Wrentham, praying that he may be discharged from an execution issued against him by the Treasurer of this State, in consequence of the orders of the General Court, as a defective Constable of said Town of Wrentham for the year 1770, for the sum of Forty pounds, four shillings and five pence, the full sum given him to collect.

Whereas it appears to this Court by a receipt under the hand of Harrison Gray, Esq^r, late Treasurer of this State, that he had received of the said John the full sum aforesaid but has wholly neglected to give any credit on his books therefor:

Therefore

Resolved that the Treasurer of this State be and he hereby is directed to discharge the said John Nicholson from the aforesaid sum of Forty pounds, four shillings and five pence; and the cost (if any there be) to be paid out of the Treasury of this State, and that the same debt and cost be charged to the account of the said Harrison Gray. [*Passed February 20.*]

Mass.
Archives,
ccxxi., 185, 186.

CHAPTER 546.

RESOLVE ALLOWING £S TO BRIGADIER GEORGE GODFREY.

ON THE ABSTRACT of Brigadier Godfrey and his request for pay and allowance for time and subsistence in the service at Rhode Island and Dartmouth in the year Seventeen hundred and seventy-seven in September, and also in the year Seventeen hundred and seventy-eight in September.

Legislative
Records of the
Council,
xxxix., 128.

Resolved that there be paid out of the public Treasury of this State unto Brigadier George Godfrey the sum of Eight pounds, in full for his services and subsistence while in service at Dartmouth only. [*Passed February 20.*]

CHAPTER 547.

RESOLVE ON THE PETITION OF CAPT. THOMAS SEWARD.

ON THE PETITION of Capt. Thomas Seward, praying he may receive this State's bounty for eighteen men enlisted into his company as a part of this State's quota of the Continental Army.

Legislative
Records of the
Council,
xxxix., 129.

Resolved that Nathaniel Barber, Esq^r, Muster Master for the County of Suffolk, be and he hereby is directed to pay to Capt. Thomas Seward the bounty allowed by this State for said men, viz. John Dunn, Kindell Farley, Matthew Denniston, Thomas Fleetwood, James Wooden, Alexander Flood, James Stout, Jonathan Tarry, William Ross, Ferdinand Vansickels, Hermonius Yerk, Daniel Hepworth, Joseph Saxton, John Chambers, Othniel Smith, William Fullerton, Thomas Nelson and William Bingley, taking his receipt for the sum by him so received, specifying the mens' names for whom the bounty as aforesaid is paid. [*Passed February 20.*]

Mass.
Archives,
ccxxi., 179.

Mass.
Archives,
ccxxi., 180, 181.

CHAPTER 548.

RESOLVE ON THE PETITION OF THOMAS FLINT.

Resolved that Thomas Flint be and hereby is permitted to depart this state in the Schooner Hannah, and the commanders of all armed vessels belonging to this State are directed not to trouble or molest the said Thomas Flint while pursuing his lawful business as a fisherman. [*Passed February 20.*]

Legislative
Records of the
Council,
xxxix., 129.
Mass.
Archives,
ccxxi., 178.

CHAPTER 549.

RESOLVE MAKING ADDITIONAL ALLOWANCES TO THE JUSTICES OF THE SUPERIOR COURT.

Legislative
Records of the
Council,
xxxix., 129.
Mass.
Archives,
ccxxi., 169.

Resolved that there be paid out of the public Treasury to the Honorable William Cushing, Jedediah Foster, Nathaniel Peaslee Sergeant, James Sullivan and David Sewall, Esquires, Justices of the Superior Court, the sum of Three hundred pounds each, in addition to the sum already granted them for their services the year past.

Also

Resolved that there be paid out of the said Treasury to the said William Cushing, Esq^r, the sum of Eight hundred and thirty-seven pounds, ten shillings, and to each of the other Justices abovenamed, the sum of Eight hundred pounds, in quarterly payments, for their services for one half the current year. [*Passed February 20.*]

CHAPTER 550.

RESOLVE ON THE PETITION OF JOHN WAITE, AGENT FOR WORCESTER COUNTY.

Legislative
Records of the
Council,
xxxix., 129.
Mass.
Archives,
ccxxi., 173.

ON THE PETITION of John Waite, Agent for the County of Worcester for collecting Cloathing, praying for an allowance of his account for collecting, packing and transporting said Cloathing.

Mass.
Archives,
ccxxi., 174-177.

Resolved that there be allowed and paid out of the public Treasury of this State to John Waite for his time and expence in collecting, packing and delivering to the Commissary the aforesaid Cloathing, the sum of One hundred and seventy pounds, fourteen shillings, as also the sum of Four hundred and sixty-five pounds, twelve shillings, for transporting said Cloathing to Fish Kill; and the further sum of Eighteen pounds for his time and expence from Brookfield to Boston, for the settlement of his account as Agent for said County, which sums are in full for said Agent's account as aforesaid. [*Passed February 20.*]

CHAPTER 551.

RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO ALLOW ACCOUNTS FOR ADVERTISING UNIMPROVED LANDS OF ABSENTEES.

Legislative
Records of the
Council,
xxxix., 130.
Mass.
Archives,
ccxxi., 195.

WHEREAS it appears to this Court that a Resolve passed September 19, 1778, directing all Constables and Collectors of Taxes to stay the sale of all such unimproved lands as belonged to persons who have left this State and gone over to the enemies thereof, and no provision is made in said Resolve to enable those Constables and Collectors who have proceeded to advertise said lands to recover their cost: For the remedy whereof it is

Resolved that all such Constables and Collectors of Taxes who have proceeded to advertise Absentees unimproved lands before the 19th of September, 1778, shall exhibit their accounts to the Committee on Accounts, who are hereby empowered to examine and allow so much of such accounts as appears to have arisen from advertising said Absentees unimproved lands; they producing the

News Papers in which such lands are advertised, together with a certificate from each of the printers that they received the sum set forth in said certificate for advertising the same. [*Passed February 20.*]

CHAPTER 552.

RESOLVE ALLOWING £787. 12^s IN PAYMENT FOR SUPPLIES FURNISHED PRISONERS FROM THE BRITISH SHIP SOMERSET.

Resolved that there be allowed and paid by the Board of War of this State out of the money arising on the sale of the articles taken from the Somerset, Man-of-War, to Joseph Otis, Esq^r, or his order, the sum of Seven hundred and eighty-seven pounds, twelve shillings, lawful money, in full discharge of his account of supplies for the prisoners of the British Ship Somerset, while they were marching from Wellfleet through the County of Barnstable, for the use of the following persons, viz.

Legislative
Records of the
Council,
xxxix., 131.
Mass.
Archives,
ccxxiii., 300.

	£	s	d
The Selectmen of Eastham	392.	8	
The Selectmen of Harwich	78.	12.	10
The Selectmen of Yarmouth	19.	1	
Elizabeth Chipman	13.	3	
Enoch Hallet, Esq ^r	18.		
Lieut. Ansel Howland	4.	12	
Job Howland	9.	10	
Zaccheus Howland	59.	19.	4
Atherton Hall	14.	14.	
George Conant	2.	15.	6
Melatih Sturgis	1.	19	
Micah Hamblin, Esq ^r	21.	12	
Nathaniel Howland	23.	4	
Joseph Otis, Esq ^r	57.	1.	8
Gideon Freeman, Esq ^r	16		
Thomas Stetson	10		
The Selectmen of Sandwich	39.	17.	8
Nathaniel Freeman, Esq ^r	5.	2	

£787. 12

[*Passed February 22.*]

CHAPTER 553.

RESOLVE ON THE PETITION OF WILLIS HALL AND OTHERS.

ON THE PETITION of Willis Hall and others, praying that the Judge of Probate for the County of Suffolk may be impowered to grant letters of administration on the estate of George Holmes, late of Boston in said County, distiller, deceased.

Legislative
Records of the
Council,
xxxix., 131.
Mass.
Archives,
ccxxi., 200, 201.

Resolved that the prayer of the Petition be so far granted, as that the Judge of Probate for the County of Suffolk be and hereby is impowered and directed to grant letters of administration on the estate of George Holmes, late of Boston, deceased, with the will annexed, a copy of which will has been exhibited to this Court with the Petition aforesaid; and that the Administrator, who in pursuance of this Resolve may be appointed by the Judge of Probate aforesaid, be and hereby is impowered to execute the will of said deceased in the same manner as the Executor might have done if he had been present and within this State. [*Passed February 22.*]

Mass.
Archives,
ccxxi., 202-205.

CHAPTER 554.

RESOLVE DIRECTING THE TREASURER TO GIVE NOTES FOR
FLOUR, ETC., IMPORTED.

Legislative
Records of the
Council,
xxxix., 132.
Mass.
Archives,
ccxi., 199.

WHEREAS by a Resolve of this Court dated the 20th instant the Treasurer of this State was impowered to hire a sum not exceeding Two hundred thousand pounds, for the purpose of importing into this State a quantity of Flour, &c. and whereas in said Resolve the form of the said notes is not negotiable, which may greatly embarrass the Board of War in prosecuting said business:

Therefore

Resolved that the Treasurer of this State be and he hereby is directed to give his notes for said purpose to the said A. B. or his order, the Resolve of the 20th instant to the contrary notwithstanding. [*Passed February 22.*]

CHAPTER 555.

RESOLVE ON THE PETITION OF THE SELECTMEN OF WESTBOROUGH.

Legislative
Records of the
Council,
xxxix., 132.
Mass.
Archives,
ccxi., 219.
Mass.
Archives,
ccxi., 220.

ON THE PETITION of the Selectmen of the Town of Westborough, praying for an allowance for mileage both out and home, which they paid to thirty-nine men that went from said Westborough on the alarm at Bennington, agreeable to a Resolve of the General Court of this State passed on September 22, 1777.

Resolved that the prayer of the Petition be granted, and the Committee on Accounts are hereby ordered to allow the Selectmen of said Westborough the money they paid said men according to the abovesaid Resolve. [*Passed February 22.*]

CHAPTER 556.

RESOLVE ON THE PETITION OF JOHN ALLEN AND JOHN ALLEN,
JUN^R.

Legislative
Records of the
Council,
xxxix., 132.
Mass.
Archives,
ccxi., 207.
Mass.
Archives,
ccxi., 208.

UPON THE PETITION of John Allen and John Allen, Jun^r, praying for liberty to go to Rhode Island or New York to procure a passage to Great Britain for the recovery of a legacy left the said John Allen.

Resolved that the prayer of the Petition be and hereby is granted, and it is recommended to the commanding officer at Providence or White Plains to give the said John Allen and John Allen, Jun^r, the necessary passports. [*Passed February 22.*]

CHAPTER 557.

RESOLVE ON THE PETITION OF STEPHEN GOWEN AND WILLIAM
GOWEN.

Legislative
Records of the
Council,
xxxix., 132.

ON THE PETITION of Stephen Gowen and William Gowen, of Sanford, in the County of York, praying that Samuel Nasson, Joanna Nasson and Nicholas Sewall, Administrators of the estate of Brigadier Jotham Moulton, may be impowered to make and

execute a deed of fifty acres of land in said Sanford to them, for the reasons set forth in their Petition.

Resolved that Samuel Nasson, Joanna Nasson and Nicholas Sewall, of York, in the County of York, as Administrators of the estate of Brigadier Jotham Moulton, late of said York, deceased, be and they are hereby authorized to make and execute a deed of acquittance or release to Stephen Gowen and William Gowen, of Sanford, in the said County of York, of fifty acres of land in Sanford aforesaid; which fifty acres of land lays in the Northwesterly corner of the lot called the Iron Works lot, and is to be bounded as the same was run off before the decease of the said Moulton, they the said Stephen Gowen and William Gowen making good their bargain to the said Administrators, with respect to the paying for said land, according to their original agreement with said Moulton as set forth in their Petition. [*Passed February 22.*]

Mass.
Archives,
ccxxi., 210.

Mass.
Archives,
ccxxi., 211-214.

CHAPTER 558.

RESOLVE ON THE PETITION OF LEWIS ALLEN.

UPON THE PETITION of Lewis Allen, praying the remainder of the effects of his brother Jolly Allen, in the hands of the Hon^{ble} Oliver Wendell and John Pitts, Esq^r, may be delivered to him, towards the support of seven children of the said Jolly Allen, which he has had to provide for since the year 1776.

Resolved that the Hon^{ble} Oliver Wendell and John Pitts, Esq^r, be and they hereby are directed to deliver to the said Lewis Allen, what effects still remain in their hands belonging to Jolly Allen aforesaid, and also to pay any balance that may be due on account of the sale of any of the effects of the said Allen. [*Passed February 22.*]

Legislative
Records of the
Council,
xxxix., 133.
Mass.
Archives,
ccxxi., 215.

Mass.
Archives,
ccxxi., 216-218.

CHAPTER 559.

RESOLVE ON THE PETITION OF INHABITANTS OF WARWICK.

ON THE PETITION of a number of inhabitants of the Town of Warwick, praying to be formed into a Congregational Society, and praying for liberty to sell a certain ministerial right in order to raise a fund sufficient to support an orthodox Congregational minister.

Resolved that the petitioners serve the Town Clerk of the Town of Warwick with a copy of their Petition and this Order thereon, fourteen days at least before the second Wednesday of the next sitting of this Court, that they may shew cause on that day (if any they have) why the prayer of said Petition should not be granted. [*Passed February 22.*]

Mass.
Resolves,
Jan. sess.,
c. 216.

CHAPTER 560.

RESOLVE ALLOWING £1,058. 8^s 9^d TO STEPHEN NYE, DEPUTY COMMISSARY.

Resolved that there be allowed and paid out of the public Treasury of this State to Stephen Nye, Deputy Commissary for the County of Barnstable, the sum of One thousand fifty-eight

Legislative
Records of the
Council,
xxxix., 134.

pounds, eight shillings and nine pence, in full discharge of his account of supplies for the militia on the alarm at Falmouth in September last, exclusive of Twenty-six hundred weight of bread, to be accounted for with M^r Samuel Elliot, Jun^r, of Boston. [*Passed February 23.*]

CHAPTER 561.

RESOLVE IMPOWERING HANNAH EVERSON, ADMINISTRATRIX, TO MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council,
xxxix., 134.
Mass.
Archives,
ccxxi., 233.

Mass.
Archives,
ccxxi., 235.

ON THE PETITION of Hannah Everson, widow of Robert Everson, late of Kingston, deceased, and Administratrix on his estate and guardian to his children, praying for liberty to sell the whole of the real estate which her said husband died seized of for the payment of his debts and the support of herself and children.

Resolved that the prayer of said Petition be granted, and that the said Hannah Everson be and she is hereby empowered to sell at public vendue the whole of said real estate, amounting to about twenty acres of dormant lands, and to give and execute a good and sufficient deed of the same, she giving bonds to the Judge of Probate for the County of Plymouth for the payment of the just debts, and that the remainder of the money shall be appropriated for the necessary support of herself and children. [*Passed February 23.*]

CHAPTER 562.

RESOLVE DIRECTING THE BOARD OF WAR TO DELIVER SHOES, ETC., TO CAPT. ALLEN HALLET.

Legislative
Records of the
Council,
xxxix., 134.
Mass.
Archives,
ccxxi., 236.

Mass.
Archives,
ccxxi., 237.

WHEREAS this Court did by their Resolve of the 15th instant direct the Board of War to deliver Capt. Hallet of the Brigantine Tyrannicide shoes, stockings, shirts and blankets for the use of the men under his command, he paying for the same, which Resolve is found to be insufficient for the purpose: Therefore

Resolved that the Board of War be and they are hereby accordingly directed to deliver to Capt. Hallet such shoes, stockings, shirts and blankets as may be necessary for the men under his command, taking his security for the payment of the same at the expiration of the cruise. [*Passed February 23.*]

CHAPTER 563.

RESOLVE ON THE PETITION OF DANIEL ADAMS.

Legislative
Records of the
Council,
xxxix., 135.
Mass.
Archives,
ccxxi., 230.

Mass.
Archives,
ccxxi., 231.

WHEREAS Alexander Edwards, of Boston, in the County of Suffolk, cabinet maker, brought forward an action of debt against Daniel Adams, of said Boston, mariner, at the Inferior Court of Common Pleas held at Boston in October in the year of our Lord 1774 and from that term was continued by order of law from term to term until the July term of the said Court's sitting then next after in the year 1775; previous to which hostilities had been commenced, and the said Town of Boston was then and for a long time after a garrison of the enemy, so that the said Daniel could not attend thereat to defend the same suit, and his counsel

learned in law had before that absented himself from this State and had joined the enemy; the said Alexander, then being in the said garrison, took advantage of the necessary absence of the said Daniel and procured judgment to be rendered in his favor against the said Daniel, at the said Inferior Court for the July term, A.D. 1775, the circumstances aforesaid notwithstanding, for the sum of Sixty pounds debt and the costs of suit. To prevent the execution whereof:

It is hereby

Resolved that the said judgment of the said Inferior Court, &c. held at Boston aforesaid, wherein the said Alexander Edwards was plaintiff and the said Daniel was defendant, for the aforesaid debt and costs of suit, be and it is hereby declared null and void to all intents and purposes whatever; saving always to the said Alexander Edwards his right to bring forward and prosecute to final judgment and execution a new action in the law, in the same manner as though the said Alexander had never prosecuted the aforesaid action against the said Daniel. [*Passed February 23.*]

CHAPTER 564.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH SELECTMEN WITH FIREARMS.

WHEREAS the time limited by a Resolve of this Court for purchasing Fire Arms of the Board of War is nearly expired; and that by reason of a considerable part of our medium being taken out of circulation by a Resolve of Congress many towns are unprovided with current money to pay for the same: Therefore

Legislative
Records of the
Council,
xxxix., 136.
Mass.
Archives,
ccxxi., 229.

Resolved that the Board of War be and they are hereby directed to deliver to the Selectmen or the Representatives of the several towns within this State, their proportion of Fire Arms agreeable to a former Resolve, provided they have not received the same, they applying to the Board of War by the first day of June next and paying for the same in current money. [*Passed February 23.*]

CHAPTER 565.

RESOLVE ON THE PETITION OF JOSEPH MILLER OF WESTMINSTER.

ON THE PETITION of Joseph Miller, in behalf of the Selectmen of the Town of Westminster, setting forth their expence in hiring horses for Capt. Elisha Jackson's company in the year Seventeen hundred and seventy-seven, in order for a speedy march to join our army at Bennington and also for the expence of returning said horses back to Westminster.

Legislative
Records of the
Council,
xxxix., 136.

Resolved that there be paid out of the public Treasury of this State to Joseph Miller, for the Selectmen of said Town of Westminster, the sum of Sixteen pounds, nineteen shillings, one penny, in full for their expence in hiring said horses and paying for returning them back to said town. [*Passed February 23.*]

CHAPTER 566.

RESOLVE ALLOWING £500 TO JOSEPH HENDERSON, COMMISSARY OF PRISONERS.

Legislative
Records of the
Council,
xxxix., 137.
Mass.
Archives,
ccxxi., 221.

Resolved that there be paid out of the public Treasury to Mr Joseph Henderson, Commissary of Prisoners, the sum of Five hundred pounds, over and above his three rations per day, for his services for one year ending in February instant. [*Passed February 23.*]

CHAPTER 567.

RESOLVE FOR RAISING GUARDS TO BE STATIONED AT FALMOUTH FOR SEACOAST DEFENCE.

Legislative
Records of the
Council,
xxxix., 137.
Mass.
Archives,
ccxxi., 223.

Mass.
Archives,
ccxxi., 225-227.

WHEREAS the Town of Falmouth in the County of Barnstable, and the shores along the Vineyard Sound and Buzzard's Bay, are frequently infested with the enemy's ships and tenders, and have lately had a number of their cattle killed by a party of the enemy who landed in that town; and the enemy being possessed of harbours near them, it is apprehended there will be further attempts to rob, burn and destroy that place unless some guards be stationed to watch and defend the shores: Therefore

Resolved that there be immediately raised by voluntary inlistment thirty men, viz. two sergeants, two corporals, one drummer, one fifer and twenty-four privates, to be commanded by two lieutenants, to serve from the day of their inlistment until the first day of December next, unless sooner discharged; to be stationed in said Town of Falmouth, or to be ordered to any part of those shores, as they shall be directed by the Field officers of the first regiment in that County, as occasion may require, and to be upon the following establishment; viz. there shall be allowed and paid to each lieutenant per month for his service, the sum of Ten pounds; to each sergeant, the sum of Seven pounds, ten shillings; to each corporal, drummer or fifer, the sum of Seven pounds; and to each private soldier, the sum of Six pounds; the time of service to be computed from the time of their marching to their stations until one day after their discharge; provided that no non-commissioned officer or soldier shall be entitled to his pay until he hath passed muster before the Muster Master of that County, who is directed to be very careful to pass no men as fit for the service but such as appear to be able bodied effective men and of a competent stature, nor any under sixteen years of age, nor until they are provided with a good Fire Arm, Bayonet, Cartouch box, Knapsack, Canteen and Blanket.

And it is

Resolved that the same subsistence shall be allowed and provided for the officers and soldiers as is allowed for the Continental Army.

Resolved that Jabez Meigs be and he is hereby appointed as Commissary to supply said troops with provisions and stores, who shall account for his proceedings with the General Assembly of this State. [*Passed February 23.*]

CHAPTER 568.

RESOLVE ADJOURNING THE TIME OF HOLDING THE SUPERIOR COURT IN BARNSTABLE AND PLYMOUTH COUNTIES.

WHEREAS it is proposed that the Superior Court should sit at Great Barrington in the County of Berkshire, upon the first Tuesday in May next, and it therefore becomes necessary to alter the times of the said Court's sitting in the Counties of Barnstable and Plymouth for the present year:

Legislative
Records of the
Council,
xxxix., 134.
Mass.
Archives,
ccxi., 240.

Wherefore it is

Resolved that the Superior Court of Judicature, Court of Assize and General Goal Delivery, which otherwise would be holden at Barnstable, within the County of Barnstable, and for the Counties of Barnstable and Dukes County, upon the Wednesday next following the third Tuesday in May next, shall be holden at said Barnstable, within the County of Barnstable, and for the Counties of Barnstable and Dukes County, upon the Wednesday next following the second Tuesday in August next; and the Court which otherwise would be holden at Plymouth, within and for the County of Plymouth, upon the third Tuesday of May next, shall be holden at said Plymouth, for said County, upon the third Tuesday in October next; and that all appeals, writs of review, recognizances, warrants and other processes, already issued, taken or depending in the said Counties of Plymouth, Barnstable or Dukes County, which were to have been returned or proceeded upon at the times appointed by the laws of this State for holding the said Court at Barnstable or Plymouth, shall be valid and stand good to all intents and purposes in law, and shall be returned and proceeded upon at the times appointed by this Resolve for holding said Courts. [*Passed February 24.*¹]

CHAPTER 569.

RESOLVE ADJOURNING THE MARITIME COURT FOR THE MIDDLE DISTRICT.

WHEREAS the Hon^{ble} Nathan Cushing, Esq^r, Judge of the Maritime Court in and for the Middle District, hath appointed the said Court to be held at Boston on the 9th and 10th days of March next for the trial of certain causes, matters and things therein pending; and as the Inferior Courts of Common Pleas in and for the Counties of Middlesex and Bristol are by law to be held in the same week, the holding of the said Maritime Court on the days abovementioned will be attended with inconvenience to many of the parties and others concerned therein:

Legislative
Records of the
Council,
xxxix., 138.
Mass.
Archives,
ccxi., 238.

Be it therefore

Resolved that the holding and sitting of the said Maritime Court at Boston as above appointed, be and hereby is adjourned unto the fourth Tuesday of March next, when and where the same shall be accordingly held for the trial of all causes, matters and things pending therein, and which would have had day and been heard, tried or determined in and by said Court on the said 9th and 10th days of March next if this Resolve had not been made and passed; and all jurors, sheriffs and other officers as well as parties concerned therein are to govern themselves accordingly. [*Passed February 24.*¹]

¹ This date is February 23 according to Legislative Records of the Council.

CHAPTER 570.

RESOLVE RELATING TO THE APPOINTMENT OF SIEUR DE VALNAIS
AS FRENCH CONSUL.

Legislative
Records of the
Council,
xxxix., 138.
Mass.
Archives,
ccxxi., 242.
Mass.
Archives,
ccxxi., 78-85.

ON THE LETTER from the Sieur de Valnais with the commission accompanying the same.

Resolved that the Secretary of this State be and hereby is directed to record at large in the Secretary's office, the commission of Conrad Alexander Gerard, his most Christian Majesty's Minister Plenipotentiary to the United States of America and Consul General in all the ports of the said States, appointing the Sieur de Valnais Consul in the port of Boston and the other ports of the State of Massachusetts Bay.

Resolved that the Council of this State be and hereby are desired to cause public notice to be given of this appointment in one of the Boston News Papers.

Resolved that the President of the Council be and hereby is desired in the name of the General Assembly to write a letter to the Delegates from this State at Congress, desiring them to move to the Congress that some Resolutions may be passed, explicitly and particularly pointing out and defining the powers of all the Consuls that have been or may be appointed by the Minister from France within this State, that so there may be a uniformity of conduct and practise throughout the United States of America. [*Passed February 24.*¹]

CHAPTER 571.

RESOLVE ALLOWING £400 TO THE MESSENGER TO THE GENERAL
COURT.

Legislative
Records of the
Council,
xxxix., 139.
Mass.
Archives,
ccxxi., 244.

Resolved that there be paid out of the public Treasury to William Baker, Messenger of the General Court, in full for his services until the last Wednesday in May next, the sum of Four hundred pounds in quarterly payments. [*Passed February 24.*]

CHAPTER 572.

RESOLVE ADJOURNING CAUSES IN THE MARITIME COURT FOR THE
SOUTHERN DISTRICT TO THE MIDDLE DISTRICT.

Legislative
Records of the
Council,
xxxix., 139.
Mass.
Archives,
ccxxi., 247.

WHEREAS a Maritime Court is now advertised to be holden at Plymouth, within and for the Southern District of this State, on the third day of March next, at which Court sundry maritime causes are to be heard and tried in which divers of the inhabitants of the County of Barnstable are parties; and whereas the Superior Court which was to be holden at Plymouth aforesaid on the third Tuesday of May next is adjourned to be holden there in October next; and whereas it is alleged that a fair and impartial trial of some of the said causes cannot be had in the County of Barnstable aforesaid, for which reason it is proper that said causes should not be tried upon the appeal in said County of Barnstable; and whereas great inconvenience will accrue to the parties concerned

¹ This date is February 23 according to Legislative Records of the Council.

in said causes should a final trial thereof be delayed until October next; to prevent which inconvenience the interposition of this Court is necessary: Therefore

Resolved that all maritime causes which may by law be heard and tried at the Maritime Court aforesaid, shall be heard and tried at a Maritime Court to be holden at Boston in the Middle District of this State, on the fourth Tuesday of March next; and the same proceedings shall be had thereon, and the Judge of the same Maritime Court shall have the same jurisdiction thereof as he would have provided the same causes were to be tried at Plymouth as aforesaid; and that the said causes shall be tried on the libels filed in said Southern District and the same proceedings had thereon as though the Court should have been held in said District; and all appeals from the decree of said Judge given at the said Court to be holden at Boston as aforesaid, shall be at the next Superior Court to be holden in said Middle District, and the Judge of the Maritime Court to be holden at Boston as aforesaid, and the Justices of the Superior Court shall have complete maritime jurisdiction of all the causes aforesaid. [*Passed February 24.*]

CHAPTER 573.

RESOLVE ON THE PETITION OF EBENEZER JENKINS.

ON THE PETITION of Ebenezer Jenkins, praying for an allowance of his account of expences in attending the General Court (agreeable to their order) in support of a Petition against Edward Bacon, Esq^r.

Legislative
Records of the
Council,
xxxix., 140.
Mass.
Archives,
ccxxi., 255.

Resolved that there be paid out of the public Treasury of this State to the said Jenkins, the sum of Thirty-seven pounds, nine shillings and six pence, in full of his account for the aforesaid expence. [*Passed February 25.*]

Mass.
Archives,
ccxxi., 256, 257.

CHAPTER 574.

RESOLVE DIRECTING THE COMMITTEE OF SEQUESTRATION OF BOSTON TO SELL SEQUESTERED GOODS.

Resolved that the Committee of Sequestration of the Town of Boston be and they are hereby directed to begin the sale of the sequestered goods now in their hands on Thursday next, and to continue said sale by adjournment from day to day till the whole of said goods be sold, and to pay the money arising from the sale into the Treasury of this State once in three days, for the purposes mentioned in the Resolve of the 15th of February instant, any Resolve to the contrary notwithstanding. [*Passed February 25.*]

Legislative
Records of the
Council,
xxxix., 140.
Mass.
Archives,
ccxxi., 264.

CHAPTER 575.

RESOLVE ALLOWING £400 TO THE TREASURER AND RECEIVER GENERAL.

ON THE PETITION of the Hon^{ble} Henry Gardner, Esq^r, Treasurer and Receiver General of this State, praying for a further allowance for his service in said office.

Legislative
Records of the
Council,
xxxix., 141.

Mass.
Archives,
ccxxi., 251.

Mass.
Archives,
ccxxi., 252.

Resolved that there be allowed and paid out of the public Treasury of this State to the Hon^{ble} Henry Gardner, Esq^r, the sum of Two hundred pounds, in addition to the sum of Three hundred pounds granted in January, 1778, which is in full for his service as Treasurer and Receiver General of this State from the first of January, 1777, to the first of January, 1778; and also a further sum of Two hundred pounds, in addition to the sum of Twelve hundred pounds already granted, in full for his service in the office aforesaid from the first of January, 1778, to January 1st, 1779. [*Passed February 25.*]

CHAPTER 576.

RESOLVE APPOINTING A COMMITTEE FOR THE PURPOSE OF PROCURING FLOUR AND GRAIN FROM OTHER STATES.

Legislative
Records of the
Council,
xxxix., 141.
Mass.
Archives,
ccxxi., 253.

WHEREAS it is absolutely necessary that speedy and effectual measures should be adopted to procure an immediate supply of Flour and Grain for the sustenance of the people of this State, more especially of those who reside in or near the seaports, otherwise they must be reduced to the greatest distress: Therefore

Resolved that Nathaniel Gorham, Esq^r, and Capt. Ebenezer Wales be, and hereby are appointed a Committee immediately to repair to the States of Connecticut and New York, and if they judge it necessary, to New Jersey, Pennsylvania and Maryland, and represent to the supreme authority of those States the distressed situation the inhabitants of this State are brought into for want of Flour and Grain; and to solicit them in the most earnest and pressing manner to permit the Board of War of this State, or any person or persons by them appointed for the purpose, as also John Rowe, Esq^r, and others, a Committee of the Town of Boston, or any person or persons by them appointed for that purpose, to transport by land or by water, if it should be thought prudent, from their respective States such a quantity of Flour and Grain as may be sufficient for the supply of the inhabitants of this State; and the Committee aforesaid are hereby further empowered, if they think it necessary, to apply to the Hon^{ble} Congress to recommend it to the several States aforementioned to grant permission for the transportation of the Flour and Grain aforesaid for the purpose beforementioned. [*Passed February 25.*]

CHAPTER 577.

RESOLVE ON THE PETITION OF NATHAN MILLER.

Legislative
Records of the
Council,
xxxix., 142.
Mass.
Archives,
ccxxi., 265.

Mass.
Archives,
ccxxi., 266-268.

ON THE PETITION of Nathan Miller, of Warren, in the State of Rhode Island, in behalf of himself and others, praying an allowance for a certain sloop called the Union, which was by them captured and by the Court proper to try the same condemned, but being permitted by the General Court of this State to return, after taking a bond of one Duncan Ingraham and Benjamin Clark for Five hundred pounds:

Resolved that there be allowed and paid out of the public Treasury of this State to the said Nathan Miller, the sum of Seven hundred and fifty pounds in full for the abovesaid Sloop; and the Treasurer is hereby directed to put the bond abovementioned in suit as soon as may be and to prosecute the same to final judgment and execution. [*Passed February 25.*]

CHAPTER 578.

RESOLVE DIRECTING THE SHERIFF OF WORCESTER COUNTY TO APPLY TO THE COMMANDING OFFICER OF THE 1ST REGIMENT OF MILITIA FOR GUARDS.

ON THE REPRESENTATION of William Dunsmore, Esq^r, and William Greenleaf, Sheriff of the County of Worcester, shewing that there are a considerable number of persons in the goal of said County, committed on suspicion of their being concerned in uttering forged or counterfeit Continental Bills, and that there is great danger of their making their escape by the assistance of evil disposed persons who are at liberty: Therefore

Legislative
Records of the
Council,
xxxix., 104.
Mass.
Archives,
ccxxi., 291, 292.

Resolved that the said Sheriff be and he is hereby directed immediately to apply to the commanding officer of the first regiment of Militia in said County of Worcester, who is hereby required to furnish the said Sheriff with such guards from time to time for the security of said goal, in order that said prisoners may not make their escape, as the said Sheriff shall find necessary, until the next sitting of the Superior Court in said County which is the 20th of April next. [*Passed February 26.*¹

CHAPTER 579.

RESOLVE APPOINTING A COMMITTEE TO REPORT ON RANK OF COMPANIES IN COL^O HAWES' REGIMENT.

In Council.

Whereas this Court did on the 24th of September, 1777, resolve that the Field officers of the fourth regiment of Militia in the County of Suffolk should rank the several companies in said regiment as near as may be according to the rules practised in the army, and all officers and soldiers belonging to said regiment were enjoined to observe these rules till the further order of the General Court; and whereas it appears to this Court that disputes still subsist in the said regiment about the rank of the several companies therein: Therefore

Legislative
Records of the
Council,
xxxix., 143.
Mass.
Archives,
ccxxi., 281.
Mass.
Archives,
ccxxi., 282-284.

Resolved that Eleazer Brooks, Esq^r, with such as the Hon^{ble} House shall join, be a Committee to repair to some town within the limits of the regiment aforesaid, and hear the parties and make report to this Court that proper order may be taken thereon; and that the said Committee give seasonable notice to Col. Hawes of the time and place of their meeting, that he with the other Field officers and commanding officers, either commissioned or elect of the several companies in said regiment (to be notified by him) may have opportunity to offer what they have to say with respect to the rank of the said companies, or any other disputes subsisting in said regiment, and likewise the memorial of Col. Hawes respecting his resignation.

In the House of Representatives.

Read and concurred and Col^O Brown, of Reading, and Capt. Dana are joined. [*Passed February 26.*

¹ This date is February 11 according to Legislative Records of the Council.

CHAPTER 580.

RESOLVE ON THE PETITION OF MANASSEH SMITH.

Legislative
Records of the
Council,
xxxix., 128.
Mass.
Archives,
ccxxi., 295.
Mass.
Archives,
ccxxi., 296.

ON THE PETITION of Manasseh Smith, praying that he may be allowed for his expences and time while officiating as Clerk to the Superior Court.

Resolved that there be paid out of the public Treasury to the said Manasseh Smith, the sum of Two hundred pounds, in full for his services and expences as aforesaid. [*Passed February 26.*¹]

CHAPTER 581.

RESOLVE ON THE PETITION OF THE SELECTMEN OF DARTMOUTH.

Legislative
Records of the
Council,
xxxix., 144.
Mass.
Archives,
ccxxi., 278,
278½.
Mass.
Archives,
ccxxi., 279.

ON THE PETITION of the Selectmen of the Town of Dartmouth, praying for some protection against the enemy.

Resolved that the Council of this State be and they are hereby requested to order Col. Crafts to detach twenty men from his regiment, including a proportionable number of officers, and march them immediately to Dartmouth to do duty at the Fort on the entrance of the harbour in that town and the places adjoining till the further order of this Court, and to be under the command of the commanding officer of the Militia in said town. [*Passed February 26.*]

CHAPTER 582.

RESOLVE PROVIDING FOR THE PAYMENT OF WARRANTS DRAWN FOR GRATUITIES.

Legislative
Records of the
Council,
xxxix., 144.
Mass.
Archives,
ccxxi., 277.

WHEREAS by a late Resolve of this Court the Board of War and Committee of Sequestration and other Committees and Agents were directed to make sale of sundry articles in their possession, and pay the money arising from said sale into the public Treasury; and whereas no appropriation is therein made of said money: Therefore

Resolved that the Treasurer be and he hereby is directed to pay said money in discharge of the warrants drawn on him for the gratuities promised to the officers and soldiers in the Continental Army belonging to this State. [*Passed February 26.*]

CHAPTER 583.

RESOLVE PERMITTING MARY WALLINGFORD TO MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council,
xxxix., 144.
Mass.
Archives,
ccxxi., 269.
Mass.
Archives,
ccxxi., 270-276.

ON THE PETITION of Mary Wallingford, of Somersworth, in the County of Strafford and State of New Hampshire, sole Executrix of the last will and testament of her late deceased husband, Ebenezer Wallingford, of Somersworth aforesaid, gentleman, representing and proving the same by a certificate from the Register of the Court of Probate for the said County of Strafford, that the said

¹ This date is February 20 according to Legislative Records of the Council.

testator's personal estate is insufficient to pay the debts, therefore praying that she may have the benefit of the laws of this State, with respect to the sale of lands for the payment of debts, as fully and amply as if the testator had dwelt in this State at the time of his decease, as he owned at that time a large quantity of land in the County of York in this State.

Resolved that the Justices of the Superior Court of Judicature, or the Justices of the Inferior Court of Common Pleas for the County of York, be and they are hereby authorized and impowered to grant license and authority to the said Mary Wallingford to sell lands in the County of York in this State, for the payment of the testator's debts, in as full and ample a manner as they might have done by the Statutes made in the years of our Lord 1696 and 1770, as if the said Ebenezer Wallingford had dwelt in any town in this State at the time of his decease, she conforming to the directions of the laws of this State which respect the sale of lands under licence of the Superior Court. [*Passed February 26.*]

CHAPTER 584.

APPOINTMENT OF FIELD OFFICERS OF THE 4TH MIDDLESEX COUNTY REGIMENT.

In the House of Representatives
The House by ballot made choice of the following gentlemen as Field Officers of the fourth regiment of Militia in the County of Middlesex, viz.

Cyprian How	.	.	.	.	.	.	Colonel
Jonathan Hapgood	.	.	.	.	.	.	Lieut. Colonel
Jonathan Parmenter	.	.	.	.	.	.	first Major
Jonathan Rice	.	.	.	.	.	.	second Major.

Legislative
Records of the
Council,
xxxix., 145.
Mass.
Archives,
ccxxi., 300.

In Council

Read and concurred. [*Passed February 26.*]

CHAPTER 585.

RESOLVE ON THE PETITION OF THE OVERSEERS OF THE POOR OF MENDON.

ON THE PETITION of the Overseers of the Poor of the Town of Mendon, setting forth that they have an opportunity to put out the oldest boy (as mentioned in said Petition) till he is twenty-one years old, they paying Thirty pounds; and also to allow them to draw the money that they have expended for keeping Elizabeth Cummings and her two children, as per account exhibited with said Petition.

Legislative
Records of the
Council,
xxxix., 145.
Mass.
Archives,
ccxxi., 297.
Mass.
Archives,
ccxxi., 298.

Resolved that the prayer of the Petition be granted, and that the Overseers of the Poor of the Town of Mendon be and hereby are impowered to put out said boy, and that there be paid out of the public Treasury of this State to the Overseers the sum of Thirty pounds for the purpose aforesaid, they giving a receipt for said money; and also Four pounds, eight shillings in full of the account exhibited with said Petition. [*Passed February 26.*]

CHAPTER 586.

RESOLVE ON THE MEMORIAL OF OFFICERS OF COL. CRAFTS' REGIMENT.

Legislative
Records of the
Council,
xxxix., 146.
Mass.
Archives,
ccxxi., 294^a.

In the House of Representatives

Read and the House accept the resignation of Col. Crafts and desire the Council to accept the resignation of the other officers.

In Council

Mass.
Archives,
ccxxi., 293, 294.

Read and concurred in the resignation of Col. Crafts and the other officers of his regiment. [*Passed February 26.*]

CHAPTER 587.

RESOLVE DIRECTING THE BOARD OF WAR TO SETTLE WITH COL. CRAFTS FOR MATERIALS, ETC., SUPPLIED THE LABORATORY.

Legislative
Records of the
Council,
xxxix., 147.
Mass.
Archives,
ccxxi., 285.

WHEREAS large sums of money and great quantities of materials have been supplied for the laboratory while under the care and direction of Col. Thomas Crafts by the Board of War, the Commissary General and the Committee of Sequestration:

Therefore

Mass.
Archives,
ccxxv., 14.

Resolved that the Board of War be and they hereby are directed immediately to settle with Col. Thomas Crafts for all the sums and materials supplied by the Board of War, the Commissary General and the Committee of Sequestration, and that the accounts settled be laid before this House the first week of the next sitting of this Court without fail; and the Commissary General and the Committee of Sequestration be and they hereby are directed immediately to furnish the Board of War with all the accounts they have against Col. Crafts.

And whereas the state of Col. Crafts' regiment as per his return dated January 20th, 1779, appears to consist of one Colonel; one Lieut. Colonel; nine Captains; seven Captain-Lieutenants; fourteen first and second Lieutenants; one Adjutant; one Quarter Master; one Surgeon; one Surgeon's Mate; one Conductor; one Quarter Master Sergeant; one Drum Major; twenty-seven sergeants; nineteen corporals; twenty-six bombardiers; thirty-four gunners; eighteen drums and fifes; and one hundred and thirty matrosses; in the whole, Two hundred and ninety-three:

And whereas, the keeping up so large a number of officers to command so small a number of men is by no means necessary but very burthensome to this State: Therefore

Resolved that the regiment under the command of Col. Crafts be reduced to three companies, each to consist of one Captain; one Captain-Lieutenant; one first Lieutenant; one second Lieutenant; three sergeants; three corporals; one drummer; one fifer; four bombardiers; ten gunners and fifty matrosses; in the whole, Seventy-six men; and the Council are desired to officer said companies and to arrange them as they think proper. [*Passed February 26.*]

CHAPTER 588.

RESOLVE ALLOWING HALF PAY TO PEIRCE POWERS.

ON THE REPRESENTATION of John Lucas, Commissary of Continental Pensioners, in behalf of Peirce Powers, late a midshipman on board the Continental armed Ship called the Ranger, and who lost his right arm in an engagement with the British Ship called the Drake on the 24th of April last.

Resolved that the said Peirce Powers is intitled to half pay as a midshipman to commence on the 23^d of august, 1778. [*Passed February 27.*]

Legislative
Records of the
Council,
xxxix., 148.
Mass.
Archives,
ccxi., 342.

Mass.
Archives,
ccxi., 343, 344.

CHAPTER 589.

RESOLVE DIRECTING THE SHERIFF OF BARNSTABLE COUNTY TO APPREHEND CERTAIN INIMICAL PERSONS.

WHEREAS it hath been represented to this Court by the Hon^{ble} Major General Sullivan that a certain Mosher, who appears to be an inhabitant of the Island called Cuttahunk, in the County of Dukes County, has lately harboured and concealed a certain Eldad Tupper and two men by the name of Sloacum, active enemies of America, and that he the said Mosher hath secured the said Tupper's and Sloacums' passage to Rhode Island, accompanied them thither, and since hath returned to this State:

And whereas it appears to this Court that six other persons, inhabitants of said Island, were aiding and assisting in secreting and conveying the said enemies to Rhode Island, carrying with them a quantity of provisions, and that divers persons who have left this State and gone to the enemy have frequently returned either to the said Island or the shores on Buzzard's Bay and been secreted by persons inimical to the State still residing among us: In order to prevent such pernicious and treasonable practices in future and that those who have been guilty thereof may be dealt with as the law directs:

It is

Resolved that the Sheriff of the County of Barnstable be and he is hereby directed immediately to take with him sufficient aid from the Town of Falmouth and proceed to said Island and search for the said Mosher, and that he take the said Mosher and all the persons who appear to have been aiding and assisting in secreting the said Tupper and Sloacums and securing their passage to the enemy, or in sending provisions to the enemy, and to carry them before any two Justices of the Peace for the County of Barnstable, Quorum Unus, who if upon examination find probable cause to apprehend they, or any of them, have been guilty of the aforesaid practices, are required to commit them to the common goal of the County of Barnstable, in order for their trial at the next Superior Court of Judicature, &c. to be held in said County.

And it is further

Resolved that the Attorney General of this State be and he is hereby directed to enter prosecutions against all persons who have or may be guilty of such treasonable practices or misdemeanors, that they may be dealt with as to law and justice appertains. [*Passed February 27.*]

Legislative
Records of the
Council,
xxxix., 149.
Mass.
Archives,
ccxi., 340.

CHAPTER 590.

RESOLVE ON THE PETITION OF SUSANNA HUNT, NATHANIEL BARBER AND OTHERS.

Legislative
Records of the
Council,
xxxix., 150.
Mass.
Archives,
ccxxi., 333.

Mass.
Archives,
ccxxi., 334-338.

WHEREAS the late William Burroughs, of Roxbury, in the County of Suffolk, gentleman, by his last will and testament, among other legacies and devises, did give, devise and bequeath unto the third Church of Christ in Roxbury aforesaid, one half acre of land, on condition that the said Church should within three years from the testator's decease, erect a dwelling house on the same; and by his said will did devise and bequeath unto certain persons mentioned in his said will and called his residuary legatees, several parcels of land lying in said town, upon this condition, that the said lots of land should be laid out in single acres, and the same disposed of on this proviso, that the purchaser should be held to build a dwelling house on the same within five years from the purchase; and whereas the incumbrances annexed to the devises aforesaid are unreasonable and impracticable: Therefore

Resolved that the said third Church in Roxbury, together with the heirs and residuary legatees mentioned in the will aforesaid, be and they are hereby authorised and enabled to hold and possess the lots of land by said will devised in fee simple, dividing the same agreeable to the will aforesaid, and to sell and dispose of the same as they shall think fit, and to give warranty deed or deeds of the same, the incumbrances aforesaid or any condition in the will aforesaid notwithstanding. [*Passed February 27.*]

CHAPTER 591.

RESOLVE FOR PAYMENT OF PERSONS THAT PROVIDED SUBSISTENCE FOR PRISONERS FROM THE SOMERSET.

Legislative
Records of the
Council,
xxxix., 150.
Mass.
Archives,
ccxxi., 330.

Mass.
Archives,
ccxxi., 331, 332.

WHEREAS it is represented to this Court there hath expence arisen by reason of supporting the prisoners taken in the Somerset, Man of War, in their marching to Boston, and a number of men to guard said prisoners: Therefore

Resolved that the several persons who have found subsistence to support the prisoners who were taken in said Somerset and sent to Boston, and who have not received their pay, lay their accounts before the Committee of Accounts for their allowance and payment, as may appear to said Committee reasonable.

And it is further

Resolved that the commanding officers detached from the Militia to guard said prisoners to Boston, lay their rolls before the Committee on Muster Rolls for allowance and payment; and that the Committee on Muster Rolls allow so much of said rolls as are agreeable to the last establishment for Militia who have been in the service. [*Passed February 27.*]

CHAPTER 592.

RESOLVE DISCHARGING THE COMMITTEE APPOINTED TO CONCUR
AND PAY ACCOUNTS OF THE SUM OF £25,000.

THE COMMITTEE of both Houses appointed to examine the accounts of the Committee chosen the 30th of May last to concur and pay accounts, have attended that service and beg leave to report, viz.

Your Committee find upon the last settlement of the said Committee's accounts the 15th of October last, there was a balance due from them of One pound, seventeen shillings and six pence, three farthings; since which the said Committee have received by a warrant from the Council, agreeable to a Resolve of the General Court of the 18th of September last, Fifteen thousand pounds, and by another Resolve of the 16th of October last, Ten thousand pounds, in the whole Twenty-five thousand pounds. And your Committee find by vouchers produced and allowed by the Committee of the House and concurred and paid by the Committee of the Board, the sum of Twenty-five thousand and twelve pounds, eight shillings and five pence, paid as aforesaid, which, after deducting the aforesaid balance of One pound, seventeen shillings and six pence, three farthings, due from the Committee on the last settlement, leaves a balance of Ten pounds, ten shillings and ten pence, one farthing, due to the said Committee. And your Committee further report as their opinion, that the Committee for paying accounts have accounted for the above sum of Twenty-five thousand pounds received of the Treasurer of this State the 18th of September and 16th of October last, and ought to be discharged of said sum; and your Committee beg leave to report the following Resolve which is submitted.

BENJ^A AUSTIN, per order.

Resolved that the Committee of Council chosen to receive, examine and pay accounts for services done in consequence of a Resolve of the General Court the 30th of May, 1778, viz. Jabez Fisher, Benjamin White and Daniel Davis, Esq^{rs}, be and they are hereby discharged of the sum of Twenty-five thousand pounds, which they received by warrants on the Treasurer of this State on the 18th of September and 16th of October last as aforesaid.

In Council

Read and accepted.

In the House of Representatives

Read and concurred. [*Passed February 27.*]

CHAPTER 593.

RESOLVE ALLOWING £1,000 TO THE COMMITTEE APPOINTED TO
PROCURE FLOUR AND GRAIN.

Resolved that there be allowed and paid out of the public Treasury of this State to Nathaniel Gorham and Ebenezer Wales, Esq^{rs}, who have been appointed to go to the Southern States to procure permission for the exportation of Flour and Grain to this State, the sum of Five hundred pounds each, they to be accountable to the General Court for the same. [*Passed February 27.*]

Legislative
Records of the
Council,
xxxix., 151.
Mass.
Archives,
ccxi., 327.
Mass.
Archives,
ccxi., 328.

Legislative
Records of the
Council,
xxxix., 152.
Mass.
Archives,
ccxi., 345.

CHAPTER 594.

RESOLVE DIRECTING THE SHERIFF OF HAMPSHIRE COUNTY TO APPREHEND MOSES FOSTER.

Legislative
Records of the
Council,
xxxix., 152.
Mass.
Archives,
ccxxi., 323.

Mass.
Archives,
ccxxi., 324, 325.

WHEREAS it appears to this Court that a certain Moses Foster, now or late an inhabitant of the County of Hampshire in this State, did on or about the first day of September, 1777, basely and wickedly leave his fellow citizens when in distress and fled to the enemy: and whereas it further appears that the said Foster was afterwards included in the Convention of Saratoga and had liberty to go to Canada, but adding impudence to treachery said Foster did presume (after marching part of the way towards Canada) to return to the Town of Shelburne in the County aforesaid, to the great dissatisfaction of the good people of that part of the State:

Therefore

Resolved that the said Moses Foster be now considered as a prisoner of war, and that the Sheriff of the County of Hampshire be and he hereby is directed forthwith to apprehend the said Moses Foster, and him safely convey to the Commissary of Prisoners; and the Commissary of Prisoners is hereby directed to receive the said prisoner and confine him on board a guard-ship until the next cartel, and then to send him out of the country. [*Passed February 27.*]

CHAPTER 595.

RESOLVE ADDING HENDERSON INCHES, ESQ^r, TO THE COMMITTEE APPOINTED TO REPAIR TO THE SOUTHERN STATES.

Legislative
Records of the
Council,
xxxix., 152.
Mass.
Archives,
ccxxi., 322.

WHEREAS this Court by their Resolve of the 25th of this instant February, did appoint Nathaniel Gorham and Ebenezer Wales, Esq^{rs}, as a Committee to repair to the Southern governments to solicit a supply of Flour and Grain for the inhabitants of this State, and as some inconveniences might arise if either of the above gentlemen should by sickness or otherwise be prevented attending said business: Therefore

Resolved that the Committee consist of three, and that Henderson Inches, Esq^r, be added to said Committee, provided the Town of Boston pay the expence of said Henderson Inches, Esq^r, and that the Secretary be directed to make the vote of appointment accordingly. [*Passed February 27.*]

CHAPTER 596.

RESOLVE VESTING THE COUNCIL WITH CERTAIN POWERS DURING THE RECESS OF THE GENERAL COURT.

Legislative
Records of the
Council,
xxxix., 153.
Mass.
Archives,
ccxxi., 319.

WHEREAS it may be of great public utility that until the next sitting of the General Court, certain powers should be vested in the Council other than those with which they are ordinarily vested:

Resolved that the Honorable Council until the next sitting of the General Court, be and they hereby are fully authorized and empowered to nominate and appoint, as occasion may require, such

commissioned officers in any of the land forces, armed vessels or vessels of war, in the service and pay of this State, and also in the militia, whose places by death or otherwise are or may in the recess of the General Court become vacant, as to them shall appear fit and necessary, and put them under the command of such officer or officers as they shall judge proper.

Resolved that the Council be and they hereby are also authorized and impowered to treat and conclude Treaties of Amity and Friendship with any Indians that may arrive in this State, and make such provision for them as they may judge proper.

Resolved also that the major part of the Council shall have full power and authority to examine, allow and pass upon the pay rolls of the Seacoast men and their Commissaries' accounts, and also the pay rolls of the Militia who may have been in service, any Act or Resolve to the contrary notwithstanding. Also

Resolved that the Hon^{ble} Council be and they hereby are impowered to convene the Great and General Court or Assembly at an earlier day than that to which it shall next be adjourned or prorogued, if they shall judge the public service to require it.

And it is further

Resolved that the Hon^{ble} Council be and they hereby are authorized and impowered to grant permits to any of the inhabitants of the Province of Nova Scotia, for the transportation of themselves and effects into this State, who are and have been firmly attached to the American cause, any Law or Resolve to the contrary notwithstanding. [*Passed February 27.*]

CHAPTER 597.

RESOLVE APPOINTING ADDITIONAL MEMBERS OF COMMITTEE TO DESTROY BILLS OF CREDIT.

In the House of Representatives

Resolved that M^r Cranch and M^r Sumner, with such as the Hon^{ble} Board shall join, be added to the Committee appointed to examine and burn the Bills of Credit emitted by this State.

In Council

Read and concurred and Benjamin Austin, Esq^r, is joined. [*Passed February 27.*]

Legislative
Records of the
Council,
xxxix., 154.
Mass.
Archives,
ccxi., 321.

CHAPTER 598.

RESOLVE ON THE PETITION OF BENJAMIN PRATT.

Resolved that a number of law books now deposited in the Province House, so called, which were taken in the library of Judge Auchmuty, an Absentee, and were formerly the property of the Hon^{ble} Judge Pratt, deceased, father of said Benjamin, be kept from sale until the further order of this Court. [*Passed February 27.*]

Legislative
Records of the
Council,
xxxix., 154.
Mass.
Archives,
ccxi., 317.
Mass.
Archives,
ccxi., 318.

CHAPTER 599.

RESOLVE DIRECTING THE TREASURER TO GIVE ORDERS ON THE COLLECTORS OF THE TOWN OF BOSTON FOR £2,500.

Legislative
Records of the
Council,
xxxix., 154.
Mass.
Archives,
ccxi., 315.
Mass.
Archives,
ccxxxv., 16.

Resolved that the Treasurer be and he hereby is directed to give orders on the Collectors for the Town of Boston in favor of the Board of War, for the sum of Two thousand, five hundred pounds, to enable the said Board to supply the cloathing to the officers in Col. Jackson's regiment to which they are entitled by a Resolve of the 17th of June last; and the said Board are hereby directed to deliver the said orders into the hands of Lieut. Col. Brooks (if he desires the same) that he may therewith apply to the said Collectors, who are required to discharge the same as soon as possible. [*Passed February 27.*]

CHAPTER 600.

RESOLVE CONSTITUTING THREE MEMBERS OF THE BOARD OF WAR A QUORUM.

Legislative
Records of the
Council,
xxxix., 155.
Mass.
Archives,
ccxi., 314.

WHEREAS in the commission of the Board of War it is provided that a quorum of said Board shall consist of five members, and the General Court having reduced said Board of War from nine members to five: Therefore

Resolved that in future three members of the Board of War shall be considered as a quorum and impowered to act as such, any thing in their commission to the contrary notwithstanding. [*Passed February 27.*]

CHAPTER 601.

RESOLVE DIRECTING COLLECTORS TO COMPLETE THE PAYMENT OF TAXES.

Legislative
Records of the
Council,
xxxix., 155.
Mass.
Archives,
ccxi., 313.

Resolved that the Treasurer be and he hereby is directed to call upon all the Collectors in this State to complete the payment of all the public taxes that are before the date hereof committed to them to collect, as soon as possible. [*Passed February 27.*]

CHAPTER 602.

RESOLVE ALLOWING £751. 4^s 8^d TO HON^{ble} FRANCIS DANA, ESQ^r.

Legislative
Records of the
Council,
xxxix., 155.
Mass.
Archives,
ccxi., 346.
Mass.
Archives,
ccxi., 347.

Resolved that there be allowed and paid out of the public Treasury to the Hon^{ble} Francis Dana, Esq^r, the sum of Seven hundred and fifty-one pounds, four shillings and eight pence, in full for his services and expences while at Congress ending the 24th day of August last, being the balance due him as per his account now exhibited. [*Passed February 27.*]

CHAPTER 603.

RESOLVE APPOINTING A COMMITTEE TO SELECT BOOKS TO BE KEPT IN THE SECRETARY'S OFFICE.

In the House of Representatives

Resolved that Gen^l Hancock and William Phillips, Esq^r, with such as may be joined by the Hon^{ble} Board, be and they are hereby appointed a Committee, and ordered to select from the libraries now under the care of the Committee of Sequestration, such books as they judge proper to be kept in the Secretary's office for the use of the General Court, and said Committee are hereby ordered to deposit such books in said office accordingly; and the Committee of Sequestration are also ordered to deliver such books taking the proper receipts for the same.

In Council

Read and concurred and Thomas Cushing, Esq^r, is joined.
[*Passed February 27.*]

Legislative
Records of the
Council,
xxxix., 155.
Mass.
Archives,
ccxli., 308.

CHAPTER 604.

RESOLVE DIRECTING THE BOARD OF WAR TO IMPORT PRINTING PAPER, ETC.

Resolved that the Board of War be and they hereby are directed to import as soon as may be a quantity of printing paper and writing paper of different sizes, not exceeding One thousand reams, and also a quantity of other stationery articles for the use of the public. [*Passed February 27.*]

Legislative
Records of the
Council,
xxxix., 156.
Mass.
Archives,
ccxli., 301.
Mass.
Archives,
ccxxxv., 15.

CHAPTER 605.

RESOLVE FOR RAISING GUARDS TO SERVE AT SPRINGFIELD.

WHEREAS the Hon^{ble} General Gates by his letter of this day has represented the necessity of raising one Captain, two subalterns, two sergeants, two corporals, two drummers and fifty privates to guard the stores at Springfield: Therefore

Resolved that the Hon^{ble} the Council of this State be desired and impowered to make the necessary provision and order for raising said guard, and this Court will make good the necessary expence incurred for the same. [*Passed February 27.*]

Legislative
Records of the
Council,
xxxix., 156.
Mass.
Archives,
ccxli., 307.
Mass.
Archives,
cc., 323.

CHAPTER 606.

RESOLVE DIRECTING THAT THE POWDER MILL AT STOUGHTON BE SOLD.

THE COMMITTEE appointed to take under consideration the state of the Powder Mill at Stoughton, having attended that service, are of opinion that it is for the interest of this State that the said Mill should be sold forthwith, and therefore ask leave to report as follows, viz.

Resolved that George Partridge, Esq^r, Lemuel Kollock, Esq^r,

Legislative
Records of the
Council,
xxxix., 127.
Mass.
Archives,
ccxli., 374,
374j.

Mass.
Archives,
ccxxi., 97.

and Samuel Phillips, Esq^r, be a Committee to make sale of the Powder Mill at Stoughton belonging to this State, together with all appurtenances thereunto belonging, either at public auction or by private sale, as to said Committee shall appear most for the advantage of this State (the said Committee having previous to such sale carefully viewed and examined the premises as to their real value) and that the said Committee be and hereby are fully impowered and authorized, in behalf of this State, to make and execute a good and sufficient deed of the same; and that the money arising from the sale of the said premises, be as soon as may be after the sale, paid by said Committee unto the Treasurer of this State, they taking duplicate receipts for the same, one of which to be lodged in the Secretary's office.

And it is also

Resolved that the said Committee shall make an express condition in the sale of said Powder Mill that the purchaser or his successor shall for the term of four years next ensuing, be obliged to manufacture for this State all such Gun Powder (to be made from materials to be furnished by said State) as the General Court shall from time to time order to be made; provided the quantity be not greater than the said Mill is sufficient for making; the said State paying for the making of the same so much per pound as at the time being shall be equivalent to what eight pence was at the time the said Mill first began to work, the owner of the Mill to be at the expence of sulphur and coal. And it is further

Resolved that the person or persons who may own said Mill shall be intitled during the said four years to have the manufacturing of a proper proportion of the Gun Powder to be manufactured in and for this State.

In Council

Read and accepted

In the House of Representatives

Read and concurred. [*Passed March 1.*¹]

CHAPTER 607.

RESOLVE ON THE PETITION OF MOSES DICKINSON AND OTHERS.

Legislative
Records of the
Council,
xxxix., 148.
Mass.
Archives,
ccxxi., 360, 361.

Mass.
Archives,
ccxxi., 362-371.

ON THE PETITION of Moses Dickinson and others, Selectmen of the Town of Amherst, respecting an action brought against David Blodget, Constable of that town, by Simeon Strong, Esq^r, for forcibly taking from him, the said Strong, a blanket.

Resolved that the said Selectmen pay the said Strong for his blanket at the apprized value thereof, and that the action commenced by the said Strong against the said Blodget be stayed, and that the parties suffer the costs which have arisen to them respectively. [*Passed March 1.*²]

¹ This date is February 20 according to Legislative Records of the Council.

² This date is February 27 according to Legislative Records of the Council.

CHAPTER 608.

RESOLVE ALTERING THE TIME OF HOLDING THE SUPERIOR COURT,
ETC., IN BARNSTABLE AND PLYMOUTH COUNTIES.

Resolved that a Resolve which passed this Court the twenty-third day of February last for altering the time of the sitting of the Superior Court of Judicature, Court of Assize, &c., at Barnstable and Plymouth be and hereby is repealed.

Legislative
Records of the
Council,
xxxix., 154.
Mass.
Archives,
ccxxi., 375.

And whereas it is proposed that the said Court should sit at Great Barrington, within and for the County of Berkshire, upon the first Wednesday in May next, by means whereof it becomes necessary to alter the sitting of the same Court in Barnstable and Plymouth: It is therefore

Resolved that the Superior Court of Judicature, Court of Assize and General Goal Delivery, which otherwise would be held at Barnstable, within the County of Barnstable and for the Counties of Barnstable and Dukes County, upon the second Wednesday in May next, shall be holden at said Barnstable for the said Counties of Barnstable and Dukes County, upon the second Wednesday in August next; and that the Superior Court of Judicature, &c., which otherwise would be holden at Plymouth, within and for the County of Plymouth, upon the third Tuesday in May next, shall be holden at said Plymouth for said County on the third Tuesday in October next; and that all appeals, writs of review, recognizances, warrants and other processes already issued, taken or depending in the said Counties of Barnstable, Dukes County and Plymouth, which were to have been returned or proceeded upon at the times appointed by the laws of this State for holding said Court at Barnstable or Plymouth, shall be valid and stand good to all intents and purposes in law, and shall be returned and proceeded upon at the times respectively appointed by this Resolve for holding the said Courts. [*Passed March 1.*]

CHAPTER 609.

RESOLVE DIRECTING THE ASSESSORS OF DARTMOUTH TO ASSESS
AND COLLECT £1,200 FOR THE RELIEF OF CERTAIN INHABITANTS.

WHEREAS in consequence of the depredations made by the enemy on part of the Town of Dartmouth, this Court have (in the Tax Act passed this present session) omitted to assess on said town the fines incurred by them, to the amount of Twelve hundred pounds, for neglecting to raise their proportion of men for the Continental Army for nine months, agreeable to a Resolve passed the 20th of April last; and it appearing reasonable that those who suffered by the depredations aforesaid and not the town at large should have the benefit of the same: Therefore

Legislative
Records of the
Council,
xxxix., 158.
Mass.
Archives,
ccxxi., 351.

Resolved that the Assessors of the said Town of Dartmouth be and they are hereby directed to assess the said sum of One thousand two hundred pounds on the inhabitants of said town as though it had not been omitted in said Tax Act, and cause the same to be collected and paid into the treasury of said Town for the use of the sufferers aforesaid, to be divided among them in such proportion as the Selectmen of said town shall judge to be just and reasonable. [*Passed March 1.*]

CHAPTER 610.

RESOLVE RESPECTING SALE OF STATE LOTTERY TICKETS.

Legislative
Records of the
Council,
xxxix., 158.
Mass.
Archives,
ccxxi., 354.

WHEREAS the sale of the tickets of the Second Class of the Massachusetts Lottery is nearly compleated, and the Managers are about issuing a scheme for a Third Class:

Resolved that the Managers aforesaid be and they hereby are permitted to receive for the tickets in said Third Class the Emissions of May 20, 1777, and April 11, 1778. [*Passed March 1.*]

CHAPTER 611.

RESOLVE PROVIDING FOR THE RETENTION OF LIEUT. COL. PAUL REVERE AND SUPERNUMERARY OFFICERS IN SERVICE.

Legislative
Records of the
Council,
xxxix., 159.
Mass.
Archives,
ccxxi., 355.

Resolved that the Council be and they are hereby requested, if they see fit, to retain Lieut. Col. Paul Revere and so many of the non-commissioned supernumerary officers of the regiment of artillery, lately commanded by Col. Thomas Crafts, as they shall think proper to continue in service on their former pay, taking care to put them on an establishment as will oblige them to do duty as privates, in rotation or otherwise, when thereto required by their superior officers, said officers to be continued in service as aforesaid till the further order of this Court. [*Passed March 1.*]

CHAPTER 612.

RESOLVE ON THE PETITION OF THE SELECTMEN OF DARTMOUTH.

Legislative
Records of the
Council,
xxxix., 159.
Mass.
Archives,
ccxxi., 352.
Mass.
Archives,
ccxxi., 353.

Resolved that they, or the major part of them or their successors, be and they hereby are directed and impowered to make sale of a certain tract of unimproved land, lying in the said Town of Dartmouth, the property of one Thankful de Merainville, as set forth in said Petition, for the most the same will fetch and execute a good deed or deeds of the same; and to appropriate the neat proceeds thereof for and towards the maintenance of the said Thankful, and if there shall be any surplussage thereof at the time of her decease, the said Selectmen, or their successors, shall account for the same with the heirs at law of the said Thankful. [*Passed March 1.*]

CHAPTER 613.

RESOLVE RESPECTING A FAST DAY.

Legislative
Records of the
Council,
xxxix., 159.
Mass.
Archives,
ccxxi., 350.
Mass.
Archives,
clxx., 39.

Resolved that the Honorable Council be desired to issue a Proclamation for a day of public fasting and prayer through this State, to be held on such day as they shall judge most proper. [*Passed March 1.*]

CHAPTER 614.

RESOLVE ALLOWING HALF PAY TO DANIEL BUCK.

ON THE REPRESENTATION of John Lucas, Commissary of Pensioners, in behalf of Daniel Buck, late a soldier in Col. Benjamin Simonds' regiment and Capt. David Wheeler's company, and who was wounded in the battle near Bennington, whereby he has lost the use of one arm.

Resolved that the said Daniel Buck is intitled to half his pay as a soldier, to commence on the 16th day of August, 1777. [*Passed March 1.*]

Legislative
Records of the
Council,
xxxix., 159.
Mass.
Archives,
ccxxi., 348.

Mass.
Archives,
ccxxi., 349.

CHAPTER 615.

LETTERS TO CONGRESS AND GOVERNORS OF NEW YORK AND CONNECTICUT.

THE COMMITTEE appointed to consider what instructions are necessary to be given to Nathaniel Gorham, Esq^r, Capt. Ebenezer Wales and Henderson Inches, Esq^r, appointed to repair to the States of Connecticut and New York, and to the other States if necessary, as mentioned in the Resolve of the 24th of February current, beg leave to report as their opinion, that the business of said Committee being so fully set forth in said Resolve, no other instruction is necessary than that they be directed to proceed on the business assigned them with all convenient despatch; and also report that a circular letter be wrote from this State to the States aforesaid and a letter to the Honorable Congress, signed by the President of the Council, earnestly requesting their friendly aid and assistance for the purposes mentioned in the aforesaid Resolve, which is submitted.

Legislative
Records of the
Council,
xxxix., 157.
Mass.
Archives,
ccxxi., 356-358.

JOHN PITTS, per order.

STATE OF MASSACHUSETTS BAY.
February 1779.

Sir,

The distresses of the inhabitants of this State in general and the seaports in particular for the want of Flour and Grain are so great, that the General Assembly have appointed Nathaniel Gorham, Ebenezer Wales and Henderson Inches, Esq^{rs}, to entreat the interposition of the Honorable Congress for their recommendation to the Southern States to supply the Board of War of this State or John Rowe, Esq^r, and others, Committee of the Town of Boston, with such a quantity of Flour and Grain as they may apply for, to relieve the distresses aforesaid.

And considering the alarming situation of the inhabitants of this State in being almost wholly destitute of such essential articles for the support of life, those Gentlemen are appointed to represent the distresses above referred to, which may be more particularly done than can be expected by letter, and may afford opportunity to the Honorable Congress to make such inquiry as they may think necessary.

President.

To The President of Congress.

STATE OF MASSACHUSETTS BAY.
February 1779.

Sir,

This State being almost wholly destitute of Flour and Grain, the General Assembly are impelled by urgent necessity to renew

their application to your State for a supply of those essential articles, without which the inhabitants in general and the seaports in particular, must be reduced to a situation more easily to be conceived than expressed. That a more particular representation may be made than can be expected by letter, Nathaniel Gorham, Ebenezer Wales and Henderson Inches, Esq^{rs}, are appointed to repair to your State and represent to the supreme authority thereof, the distressed condition of the inhabitants of this State, and to entreat that they may be supplied with such a quantity of Flour and Grain as the Board of War of this State, or John Rowe, Esq^r, or others, Committee of the Town of Boston, may apply for, or as can possibly be spared.

President.

(Circular)

To the Governor of the State of .

In Council

Read and accepted and thereupon

Ordered that the President of the Council be and he hereby is desired to sign the letters mentioned in the above report in the name and behalf of the General Assembly.

In the House of Representatives

Read and concurred. [*Passed March 1.*]

RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE SEVENTH DAY OF APRIL, A.D. 1779.

CHAPTER 616.

RESOLVE ON THE PETITION OF JOHN GREENOUGH.

UPON THE PETITION of John Greenough, praying he may receive for his services in saving the wreck of the Somerset, the sum of Six hundred pounds, awarded him in such articles as were saved that the State can spare.

Resolved that the Board of War be and they hereby are directed to sell to the said Greenough three ullage casks of liquors, and such other articles as they can spare, to the amount of Six hundred pounds, at the price the same articles were sold at auction, or as they can agree. [*Passed April 8.*]

Legislative
Records of the
Council,
xxxix., 165.
Mass.
Archives,
ccxi., 382.

Mass.
Archives,
ccxi., 383;
cclxxxv., 18.

CHAPTER 617.

RESOLVE ON THE PETITION OF THE SELECTMEN OF LEICESTER.

ON THE PETITION of the Selectmen of Leicester, praying that William Manning and family be removed from Leicester.

Resolved that the prayer of the Petition be granted and that the said William Manning and family be removed to the Town of Paxton, and the Selectmen of the Town of Paxton are hereby directed to receive said William Manning and family and provide for them agreeably to law. [*Passed April 8.*]

Legislative
Records of the
Council,
xxxix., 165.
Mass.
Archives,
ccxi., 384.

Mass.
Archives,
ccxi., 385.

CHAPTER 618.

RESOLVE IMPOWERING WILLIAM PRICE, GUARDIAN, TO MAKE SALE OF REAL ESTATE.

ON THE PETITION of William Price, of Newbury Port, Guardian to Lois Woodman, a person non compos, praying that he may be empowered to sell the real estate of the said Lois Woodman for the reasons set forth in said Petition.

Resolved that the prayer of the Petition be granted, and the said William Price is hereby empowered to make sale of all the real estate of the said Lois for the most it will fetch; and to make and execute a good deed or deeds of the same to the purchaser or purchasers, he observing the rules of the law for the sale of real estates by executors and administrators and giving bond to the Judge of Probate for the County of Essex, that the proceeds arising by said sale be disposed of for the support of the said

Legislative
Records of the
Council,
xxxix., 165.
Mass.
Archives,
ccxi., 386.

Mass.
Archives,
ccxi., 387-389.

Lois Woodman during her natural life, the remainder (if any there be) to be disposed of agreeable to the law in such cases made and provided. [*Passed April 8.*]

CHAPTER 619.

RESOLVE ESTABLISHING PAY, ETC., OF MEN SERVING AT RHODE ISLAND.

Legislative
Records of the
Council,
xxxix., 167.
Mass.
Archives,
ccxxi., 392.

WHEREAS by Order of the Hon^{ble} Council of the 25th of March last five hundred men have been detached from the Brigade of Militia in the County of Bristol, commanded by George Godfrey, Esq^r, to do duty in the State of Rhode Island until the 15th instant, for which detachment no establishment is made: Therefore

Mass.
Archives,
cc., 362-365.

Resolved that the officers and soldiers detached from said Brigade in consequence of said Order of Council of the 25th of March last, shall have the same pay and allowance from this State, in addition to the Continental pay, as was allowed to the troops last called in for the defence of the posts in and about the harbour of Boston. [*Passed April 9.*]

CHAPTER 620.

RESOLVE FOR RAISING MEN FOR THE DEFENCE OF FALMOUTH AND ADJACENT PLACES.

Legislative
Records of the
Council,
xxxix., 167.
Mass.
Archives,
ccxxi., 393.

WHEREAS it is represented to this Court that the Town of Falmouth and the shores adjacent on Buzzards Bay and the Vineyard Sound are greatly exposed to the ravages of the enemy, and that repeated attempts have lately been by them made to land, plunder and destroy those places, and sufficient provision hath not yet been made for their defence: Therefore it is

Resolved that the Brigadier of the County of Barnstable be and he is hereby directed to detach or cause to be detached from his Brigade (no men to be detached from any town east of the Town of Harwich) one Captain, two subalterns, four sergeants, four corporals, one drummer and one fifer, and fifty privates (including the thirty men and officers ordered to be raised and stationed at Falmouth aforesaid by a Resolve passed the 23rd of February last) and to see that they are well equipped with a good Fire Arm, Bayonet, Cartouch box, Knapsack, Canteen and Blanket, and to cause them to march immediately to the said Falmouth to serve, be stationed, paid and subsisted as is provided in the aforesaid Resolve.

And the Selectmen of the respective towns from which the men may be detached, be and they are hereby directed to forward sufficient provisions for their town's quota of men to Jabez Meigs, at the said Falmouth, who was by said Resolve appointed Commissary for the men to be stationed there, who is hereby directed to pay the Selectmen a reasonable price for the same.

And it is further

Resolved that any soldier so detached, who shall not procure some able bodied man in his stead to the acceptance of the officer who shall detach him, or pay a fine of Ten pounds to the officer who detached him within twenty-four hours, he shall be held and considered as a soldier in said detachment and be treated as a deserter in case of refusal to march.

And all such fines shall be applied for the purpose of hiring men for said detachment, and the officers shall continue to detach till they have procured the quota assigned them either by hiring or otherwise.

And it is further

Resolved that the Board of War be and they are hereby directed to deliver to Col. Freeman two Field pieces, four pounders, with their carriages and appurtenances complete, with forty rounds of Round Shot and twenty rounds of Case Shot for each piece, made up into cartridges fit for the pieces; and also three hundred weight of lead or leaden balls, one hundred weight of powder and six hundred flints, for the use of said troops, to be deposited at Falmouth, or in such places as the said Freeman shall think best, he to be accountable to this State for the said Field pieces and stores, and to return the said Field pieces and the stores not necessarily expended when the General Court shall order.

And it is likewise

Resolved that there be paid to said Freeman out of the Treasury of this State, the sum of Three hundred pounds for the use of the said Commissary, to pay for and purchase provisions for the subsistence of said troops, which the said Freeman shall deliver to the said Commissary, taking two receipts therefor, one of which to be lodged with the Treasurer of this State, and the other with the Secretary; the said Commissary to account with the General Court for the money he shall so receive. And it is

Resolved that there shall be allowed and paid to the Captain in said detachment for his services, the sum of Fifteen pounds for every month he shall remain in said service, and to be allowed the same subsistence as is allowed in the Continental army. [*Passed April 9.*]

CHAPTER 621.

RESOLVE ON THE PETITION OF NEHEMIAH WEBB.

UPON THE PETITION of Nehemiah Webb, a prisoner, praying for liberty to go to Sandwich on parole or otherwise, to visit his family and settle his affairs.

Resolved that the prayer of the Petition be and hereby is so far granted, as that the said Nehemiah may go to Sandwich for the purposes aforesaid, upon his giving his parole to the Commissary of Prisoners for this State, that he will not go to any other town other than is necessary to get there and return, and will while there demean himself as a prisoner of war, and be under such restrictions as the Committee of Correspondence, &c., of that town shall direct, and that he will return and deliver himself up to the said Commissary in Boston within five weeks from this time. [*Passed April 9.*]

Legislative
Records of the
Council,
xxxix., 169.
Mass.
Archives,
ccxxi., 396.

Mass.
Archives,
ccxxi., 397-400.

CHAPTER 622.

RESOLVE IMPOWERING ABIGAIL DANA, ADMINISTRATRIX, TO MAKE SALE OF REAL ESTATE.

ON THE PETITION of Abigail Dana, Administratrix on the estate of her late husband, Nathaniel Dana, of Dedham, deceased, with the children of the deceased; praying to have the real estate sold mentioned in the Petition.

Legislative
Records of the
Council,
xxxix., 170.

Mass.
Archives,
ccxxi., 401.

Mass.
Archives,
ccxxi., 402.

Resolved that the prayer of said Petition be granted, and that the said Abigail Dana, in her said capacity, be and hereby is empowered to make sale of the real estate mentioned in said Petition for the most it will fetch; and to make and execute a good deed or deeds to the purchaser or purchasers, she observing the rules in the law for the sale of real estates by executors and administrators, and giving bond to the Judge of Probate for the County of Suffolk, that the proceeds of said sale be applied as follows, viz. two thirds thereof to be divided amongst the said deceased's children according to law, and the interest of the other third shall be allowed to Abigail, the said widow, during her natural life, and immediately after her decease to be distributed in the same manner as if said real estate had not been sold. [*Passed April 10.*¹

CHAPTER 623.

RESOLVE RELATIVE TO THE ESTATE OF CHAMBERS RUSSELL.

Legislative
Records of the
Council,
xxxix., 170.
Mass.
Archives,
ccxxi., 404.

Mass.
Archives,
ccxxi., 405-414.

WHEREAS it appears that the estate of Chambers Russell, late of Lincoln, Esq^r, which was possessed by his nephew, Charles Russell, Esq^r, an Absentee, has never been settled but is still subject to very large demands, and James Russell, Esq^r, Executor of the last will of said Chambers, has prayed that the same may be delivered into his hands for the payment of the debts of the said Chambers, and the Agent of the said Charles having been notified and assenting to the truth of said facts:

Resolved that the Agent of the said Charles be directed, and he is hereby directed to deliver up to the said James the said estate for the purposes aforesaid, provided always that the same, after the debts of the aforesaid Chambers are discharged, shall be again rendered to the said Agent and liable to control of this Court like the other estates of Absentees. [*Passed April 10.*

CHAPTER 624.

RESOLVE ON THE REPRESENTATION OF SAMUEL OSGOOD, ESQ^r.

Legislative
Records of the
Council,
xxxix., 171.
Mass.
Archives,
ccxxi., 415.

WHEREAS it is represented by Samuel Osgood, Esq^r, that there is a probability that he shall not be able to continue the manufacturing Gun Powder with so much advantage to himself or the public at Stoughton as elsewhere:

Resolved that if the said Osgood shall at any other part of the State fulfil the conditions of the Resolve of the first of March last respecting the sale of said Mill, in that case he shall be at liberty to improve or dispose of the said Mill as he shall choose, the said Resolve of the first of March notwithstanding; and that he shall receive all the privileges and advantages to which by said Resolve he is entitled. [*Passed April 10.*

¹ This date is April 9 according to Legislative Records of the Council.

CHAPTER 625.

RESOLVE ON THE PETITION OF EPHRAIM STARKWEATHER.

WHEREAS it appears by a Petition of Ephraim Starkweather and certain original papers confirming the facts therein stated, that William Bowes, an Absentee, some years since had contracted with the said Starkweather to convey to him by deed part of a dwelling house, &c. situate in Rehoboth in the County of Bristol, now in the possession of said Starkweather and the greatest part of which he already owns:

Legislative
Records of the
Council,
xxxix., 172.
Mass.
Archives,
ccxxi., 417.
Mass.
Archives,
ccxxi., 418, 419.

Therefore

Resolved that William Bant, Esq^r, Agent for the estate of said Bowes, be and hereby is authorized and directed notwithstanding any former Resolve to lease by auction the estates of Absentees, to give a deed of the aforesaid part of said dwelling house to the said Starkweather, upon receiving from him the sum of Seventy-seven pounds, fourteen shillings, and that the said Bant be accountable for the same. [*Passed April 10.*]

CHAPTER 626.

RESOLVE ON THE PETITION OF LIEUT. MATTHIAS MOSMAN.

ON THE PETITION of Lieut. Matthias Mosman, in behalf of himself and a detachment of militia from Col. How's Regiment, that marched to reinforce the Continental army at Rhode Island, agreeable to a Resolve of the General Court of the 12th of June, 1778, to do duty in Col. Wade's and Col. Jacob's regiments, but returned home for want of a proper arrangement, praying for an allowance for the time and expence of himself and said detachment; also for the extraordinary expence of a second march and waiting on the Committee appointed by the General Court to arrange said regiments; also for an allowance of the sum of Eighty-one pounds, sixteen shillings and ten pence, that was deducted from the wages of the men under his command; also for the allowance of a pay roll accompanying his Petition.

Legislative
Records of the
Council,
xxxix., 172.
Mass.
Archives,
ccxxi., 421.
Mass.
Archives,
ccxxi., 422, 425.

Resolved that the prayer of said Petition be so far granted that the said Mosman lay his account for the extraordinary expence of a second march before the Committee on Accounts, and that they be and hereby are directed to make him such allowance as has been made to officers in similar circumstances.

It is further

Resolved that there be allowed and paid out of the Public Treasury of this State to said Mosman for the use of the men under his command, the sum of Eighty-one pounds, sixteen shillings and ten pence, in full of the sum deducted from their wages for the purpose set forth in said Petition. [*Passed April 10.*]

CHAPTER 627.

RESOLVE PROVIDING FOR THE DEFENCE OF DARTMOUTH AND
ADJACENT PLACES.

Legislative
Records of the
Council,
xxxix., 171.
Mass.
Archives,
ccxxi., 426.

WHEREAS by a Resolve of this Court passed the 25th day of February last, the Council of this State were requested to order Col. Crafts to detach twenty men from his regiment to do duty at the Fort on the entrance of the harbour in the Town of Dartmouth and the places adjoining, since which said regiment has been disbanded and the Resolve not complied with: Therefore

Resolved that the Council of this State be and they hereby are requested to order Lieut. Col. Revere to detach from the corps now under his command, twenty men, including a proportionable number of officers, and march them immediately to Dartmouth to do duty at the Fort on the entrance of the harbour in that town and the places adjoining till the further order of this Court, and to be under the command of the commanding officer of the militia in said town; and that the said Col. Revere be and he hereby is further directed to furnish said detachment with one Field piece, ammunition, &c. for said service.

And it is further

Resolved that Lemuel Williams, of said Dartmouth, be and he hereby is appointed Commissary for said detachment and to make such reparations in said Fort as are necessary for the defence thereof. And it is further

Resolved that the Board of War be and they hereby are required forthwith to forward to Lemuel Williams, Commissary as aforesaid, Flour or Bread sufficient for said detachment for the space of six weeks; and that there be paid out of the public Treasury of this State the sum of Three hundred pounds to said Commissary, in order to enable him to procure provisions for supplying said detachment, said Commissary to be accountable for the expenditure of said sum. [*Passed April 12.*¹]

CHAPTER 628.

RESOLVE AUTHORIZING THE TREASURER TO RECEIVE ANY BILLS
OF CREDIT EMITTED BY CONGRESS.

Legislative
Records of the
Council,
xxxix., 174.
Mass.
Archives,
ccxxi., 430.

WHEREAS it was intended by the General Court at the time of passing the last act ordering a tax to be assessed on the inhabitants of this State, that said tax should be paid into the Treasury in any Bills of Credit emitted by Congress, as well those ordered by Congress by their Resolution of the second of January last to be taken out of circulation as others, and no provision therefor being made in said act: It is therefore

Resolved that the Treasurer of this State be and he is hereby directed in the warrants which he shall issue out for the collecting said tax, to notify the Collectors and Constables respectively that any Bills of Credit which have been emitted by order of Congress may, and when tendered, shall be taken by them in discharge of any taxes ordered by said act and committed to them to collect; and when any such Collector or Constable shall pay into the Treasury any Bills of Credit collected for said tax, among which shall be any Bills of either of the emissions taken out of circulation as aforesaid, he shall take the following oath: viz.

¹ This date is April 10 according to Legislative Records of the Council.

You A. B. do solemnly swear that there is not to your knowledge among the money by you tendered, a larger amount of the Bills of Credit emitted on May 20, 1777, or April 11, 1778, than were by you actually received in payment of the taxes committed to you to collect of the tax ordered by the General Court at their session in January, 1779. So help you God.

And when any such Collector or Constable shall deliver any money which he has collected on said tax among which are any Bills of said emissions to be paid into the Treasury, he shall send therewith a certificate of his having taken the aforesaid oath before some Justice of the Peace, and that he has delivered the Bills to a certain person therein named to deliver to the Treasurer, and the person therein named shall take the following oath, viz.

You A. B. do solemnly swear that the Bills of Credit now by you produced are the same Bills which you received of C. D. Collector or Constable (as the case may be) of and which are referred to in the certificate of the oath by him taken and now by you produced. So help you God.

In which said cases the Treasurer shall receive Bills of said emissions in discharge of said tax and not otherwise; provided that nothing in this Resolve shall extend or be construed to extend to enable the Treasurer to receive of any Constable, Collector, or other person in behalf of such Constable or Collector, any Bills of either of the emissions ordered to be taken out of circulation as aforesaid in discharge of said tax, unless the same shall be brought into the Treasury on or before the twenty-eighth day of May next. [*Passed April 12.*]

CHAPTER 629.

RESOLVE AUTHORIZING THE SALE OF FLOUR AND IRON.

UPON A REPRESENTATION from the Board of War that Messrs Purviance, of Baltimore, had advanced for the government money sufficient to purchase a load of Flour and Iron for the Schooner Hannah, which is arrived, and praying for direction how to replace the money in their hands.

Resolved that the Board of War be and they hereby are directed to sell such part of the Flour and Iron in the Schooner Hannah (or either of them as they can best spare) as shall be sufficient to raise the sum advanced, and that they remit the same to Messrs Purviance without loss of time. [*Passed April 12.*]

Legislative
Records of the
Council,
xxxix., 175.
Mass.
Archives,
cexxi., 435.

Mass.
Archives,
cexxi., 433;
celxxiv., 19.

CHAPTER 630.

RESOLVE ALLOWING £68. 7^s 3^d TO WILLIAM MOORE.

Resolved that there be paid out of the public Treasury of this State to William Moore, late Waggon Master, the sum of Sixty-eight pounds, seven shillings and three pence, in full discharge of his account, per certificate from Messrs John Deming and Peter Boyer. [*Passed April 13.*¹]

Legislative
Records of the
Council,
xxxix., 173.
Mass.
Archives,
cexxi., 461

Mass.
Archives,
cexxi., 462, 463

¹ This date is April 12 according to Legislative Records of the Council.

CHAPTER 631.

RESOLVE ABATING A FINE LAID ON THE TOWN OF FRAMINGHAM.

Legislative
Records of the
Council,
xxxix., 175.
Mass.
Archives,
ccxi., 439.

Mass.
Archives,
ccxi., 440-442;
ccxxxv., 20.

WHEREAS it appears to this Court that the Town of Framingham are over charged in the last Tax Act the sum of £780, by reason that the said town was fined the sum of £600 for deficiency in not raising six men for filling up the fifteen battalions, which men were actually raised by said town and inlisted into Col. Crane's regiment at Boston, whereby the said town was entitled to the £30 Bounty by the Resolves of this Court, which amounts to £180, that is not allowed to said town in said Tax Bill:

Therefore

Resolved that there be and hereby is abated to the Town of Framingham the sum of Seven hundred and eighty pounds, part of the sum total ordered by the last Tax Bill to be paid by said town into the public Treasury, and the Treasurer is hereby ordered to govern himself accordingly. [*Passed April 13.*]

CHAPTER 632.

RESOLVE IMPOWERING HANNAH RUGGLES, ADMINISTRATRIX, AND DAVID RAWSON, GUARDIAN, TO MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council,
xxxix., 176.
Mass.
Archives,
ccxi., 443.

Mass.
Archives,
ccxi., 444.

ON THE PETITION of Hannah Ruggles, Administratrix on the estate of her late husband, John Ruggles, of Boston, deceased, and David Rawson, Esq^r, of Milton, Guardian of Sarah and John Ruggles, children of the deceased, shewing that the said John Ruggles at his decease left a house and land in Boston, under mortgage for the sum of One hundred and fifty pounds, and that there is now four years interest due thereon; that said house and land is the only estate which he died seized and possessed of, and that the income thereof is not sufficient to bring up and educate said children, and praying that they may have liberty to sell the said house and land for the discharge of said mortgage and for the advantage of bringing up and educating said children.

Resolved that the prayer of said Petition be granted and that the said David Rawson and Hannah Ruggles, in their said capacity be and hereby are empowered to make sale of the said house and land for the most it will fetch, and make and execute a good deed or deeds in the law to the purchaser or purchasers; they first paying up the said mortgage, or agreeing with the mortgagee therefor, and observe the rules in the law for the sale of real estates by executors and administrators, and give bond to the Judge of Probate for the County of Suffolk, that the remaining part of the neat proceeds arising by said sale, besides paying the just debts due from said estate and clearing the mortgage aforesaid, shall be disposed of to the use of the heirs of the deceased according to law. [*Passed April 13.*]

CHAPTER 633.

RESOLVE ON THE PETITION OF REBECCA TARBELL.

ON THE PETITION of Rebecca Tarbell, praying leave to go to New York or Newport to her husband and to carry her two children with her, &c.

Legislative
Records of the
Council,
xxxix., 176.
Mass.
Archives,
ccxxi., 446.
Mass.
Archives,
clxx., 248;
ccxxi., 447.

Resolved that she have and hereby has liberty to go to Newport with her two children, if she see fit, not to return again into this State, and that she go by the way of Providence and to be under such restrictions with respect to her passage from thence to Newport, as the commanding officer of the American forces at Providence shall direct; and that she may carry with her such of her effects as the Committee of Correspondence, &c., of Groton, shall think necessary for her passage thither, and that said Committee take proper care of the remainder thereof till the further order of this Court. [*Passed April 13.*]

CHAPTER 634.

RESOLVE ON THE PETITION OF JOANNA WYER.

ON THE PETITION of Joanna Wyer, praying that her husband, an Absentee, may be permitted to come in a Flag to Falmouth, and that she may have leave to depart this State with him and carry her linen and household furniture.

Legislative
Records of the
Council,
xxxix., 177.
Mass.
Archives,
ccxxi., 450.
Mass.
Archives,
ccxxi., 451.

Resolved that Joanna Wyer have liberty to go either to Newport or Halifax in a Cartel, not to return to this State again, and that she be permitted to carry her wearing apparel and such other articles as the Committee of Safety for Falmouth shall judge necessary to render her comfortable on her passage.

And it is further

Resolved that the Committee of Safety be and they hereby are directed to take into their possession all the estate of the above-said Wyer, real and personal, and retain the same till the further order of this Court. [*Passed April 13.*]

CHAPTER 635.

RESOLVE ON THE PETITION OF BETTY POTE.

ON THE PETITION of Betty Pote, praying for leave to depart this State with her husband, Jeremiah Pote, now a prisoner in the State of New Hampshire, whenever he may be sent away, and that she may have liberty to carry her Negro woman, an apprentice boy and her household furniture.

Legislative
Records of the
Council,
xxxix., 177.
Mass.
Archives,
ccxxi., 448.
Mass.
Archives,
ccxxi., 449.

Resolved that the prayer of the Petition be so far granted that she have leave to go with her husband whenever he may be sent away, not to return to this State again, and that she have liberty to carry her Negro woman, said Negro woman consenting thereto, her wearing apparel and such other articles as the Committee of Safety for Falmouth shall judge necessary to render her comfortable on her passage.

And it is further

Resolved that the Committee of Safety be and they hereby are directed to take into their possession all the estate of the above-said Pote, real and personal, and retain the same till the further order of this Court. [*Passed April 13.*]

CHAPTER 636.

RESOLVE ALLOWING A PENSION TO LIEUT. COL. EPHRAIM LANE.

Legislative
Records of the
Council,
xxxix., 178.
Mass.
Archives,
ccxx., 452.

ON THE REPRESENTATION of John Lucas, Commissary of Pensioners, in behalf of Ephraim Lane, Lieut. Colonel in Col. Thomas Carpenter's regiment of militia, who was wounded at Rhode Island the 29th of August, 1778, by which means he has lost the use of his left arm.

Mass.
Archives,
ccxx., 452a-
454.

Resolved that the said Ephraim Lane is entitled to one third of his pay as a Lieut. Colonel, to commence on the 9th of September, 1778. [*Passed April 13.*]

CHAPTER 637.

RESOLVE ACCEPTING THE PLAN OF A TOWNSHIP GRANTED JOSEPH BAKER AND OTHERS.

Legislative
Records of the
Council,
xxxix., 178.
Mass.
Archives,
clxxxv., 89.

Mass.
Archives,
clxxxv., 86-88.

UPON THE PETITION of Joseph Baker and others, praying that this Court would accept of a second plan and list of sufferers instead of the first that were returned into the Secretary's office, agreeable to the conditions contained in the original grant of a Township of land to the said Baker and others upon the easterly side of Saco River February, 1774, which plan and list of sufferers are since lost; also praying that a longer time may be allowed for settlement, and that some suitable person may be appointed to warn a meeting of the grantees, &c.

Resolved that the prayer of the Petition be granted and that the plan of a Township taken by Joseph Fry, Jun^r, Surveyor under oath, bounded as followeth, viz. beginning at a maple tree near Upper Keizer River and running South forty-five degrees East on the Northeast side line of Fryburg, one thousand nine hundred and eighty-three poles to a pitch pine tree; then turning and running North sixty-five degrees East fifteen hundred and twelve poles to a white pine tree with stones laid round it; then turning and running North twenty-five degrees West three thousand one hundred and ninety-nine poles to a stone set into the ground with small stones laid round it; then turning and running South sixty-five degrees West sixteen hundred and four poles to a stake and stones; then turning and running South forty-five degrees East sixty-four poles to a red oak tree; from thence running South twenty degrees East four hundred and forty poles to a maple tree; then running South eighty-five degrees East thirty-two poles to a birch tree upon the westerly shore of the lower bay of upper Keizer Pond, so called; then turning and running upon the westerly side of the lower bay of said Keizer Pond seven hundred and eighty poles to a rock; then running upon the boundary line of land lately laid out on the North corner of Fryburg three hundred and fifty-four poles to the maple tree first mentioned; provided that there is not more land contained within said described bounds than the amount of the contents of seven miles square, be and hereby is accepted in lieu of the plan returned into the Secretary's

office by said Baker and others, agreeable to the grant of said Township.

And it is further

Resolved that the second list of sufferers as agreed upon by Joseph Gerrish, Samuel Phillips and Jonathan Webster, Esq^{rs}, the Committee appointed by the General Court February, 1774, to inquire into the suffering of Suncook grantees and make out and return a list of such sufferers, be and hereby is accepted instead of the first list returned into the Secretary's office and which is since lost.

And be it further

Resolved that the time limited in the said grant for settling thirty families within said Township be prolonged for the term of five years from February last.

And be it further

Resolved that Capt. Joseph Baker be and hereby is impowered and directed to call a meeting of the Proprietors, to be held in the Town of Haverhill, in the County of Essex, at such time as he shall think proper by publishing the same, with the business for which they are to meet, in Willis's News Paper three weeks successively, ending at least one week before said meeting, and posting the same at the several public houses in the Town of Pembroke, in the State of New Hampshire, one month at least before said meeting; also when met to agree upon and determine the manner of warning and place of holding future meetings in any town within this State, or if more convenient, in any town within the State of New Hampshire. [*Passed April 13.*]

CHAPTER 638.

RESOLVE ACCEPTING THE PLAN OF A TOWNSHIP GRANTED TIMOTHY WALKER, JUN^r, AND OTHERS.

UPON THE PETITION of Timothy Walker, Jun^r, in behalf of himself and associates, praying that this Court would accept of a second plan and list of sufferers, instead of the first that were returned into the Secretary's office, agreeable to the conditions in the original grant of a Township of land to the said Timothy Walker and others upon Amoscoggin River in February, 1774, which plan and list of sufferers are since lost; also praying that a longer time may be allowed for settlement, and that some suitable person be appointed to warn a meeting of the grantees, &c.

Resolved that the prayer of the Petition be granted, and that the plan of a Township taken by William Chamberlain, Surveyor under oath, bounded as followeth, viz. beginning at a tree upon Sudbury Canada line and running North eighteen and a half degrees West, crossing Amoscoggin River, seven miles and forty poles to a spruce tree; then turning and running North seventy-one and a half degrees East seven miles and forty poles to a beech tree; then turning and running South eighteen and a half degrees East, crossing said River again, seven miles and forty poles to another beech tree which makes the southeasterly corner of said Township; then turning and running South seventy-one and a half degrees West seven miles and forty poles to the first mentioned bounds; be and hereby is accepted in lieu of a plan returned into the Secretary's office by said Walker, agreeable to the grant of said Township.

And it is further

Resolved that the second list of sufferers as agreed upon by

Legislative
Records of the
Council,
xxxix., 180.
Mass.
Archives,
clxxxv., 97
Mass.
Archives,
clxxxv., 92-96.

Joseph Gerrish, Samuel Phillips and Jonathan Webster, Esq^{rs}, the Committee appointed by the General Court February, 1774, to inquire into the sufferings of Pennicook grantees and make out and return a list of such sufferers, be and hereby is accepted instead of the first list returned into the Secretary's office and since lost.

And be it further

Resolved that the time limited in the said grant for settling thirty families within said Township be extended to the term of five years longer.

And be it further

Resolved that the Rev^d Timothy Walker be and he hereby is impowered and directed to call a meeting of the said Proprietors to be held in the Town of Haverhill, in the County of Essex, at such time as he shall think proper, by publishing the same, with the business for which they are to meet, in Willis's News Paper three weeks successively, ending at least one week before said meeting, and posting the same at the several public houses or taverns in the Town of Concord, in the State of New Hampshire, one month at least before said meeting; also when met to agree upon and determine the manner of warning and place of holding future meetings in any town within this State, or if more convenient, in any town within the State of New Hampshire. [*Passed April 13.*]

CHAPTER 639.

RESOLVE FOR PROCURING FORAGE.

ON THE PETITION of Thomas Chase, D. Q. M. G, respecting his not being able to purchase hay for the use of the Continental Army at Rutland.

Resolved that the Selectmen of the Towns of Barre, Rutland, Braintree, Paxton, Holden, Princeton and Hubbardston, in the County of Worcester, be and they hereby are impowered and directed, upon application made to them by the Forage Master, or any other person specially appointed by Major General Heath to procure forage, to furnish said person or persons from those farms where it can best be spared within their respective towns, with what hay or other forage that they in their judgment think can be spared; they first applying to the owners thereof and agreeing with them for the price of said forage; and in case the owner or owners thereof shall neglect or refuse to sell them for a reasonable price, then and in that case the said Selectmen are impowered to impress and deliver the said hay or forage to said Forage Master for the use of said army, he paying the owner or owners thereof such reasonable price as said Selectmen shall fix thereon. [*Passed April 13.*]

CHAPTER 640.

RESOLVE IMPOWERING THE ASSESSORS OF NORTHAMPTON TO ASSESS THE INHABITANTS OF WESTHAMPTON AND POGESHOLE.

WHEREAS this Court did in their sessions sometime in September last set off the westerly part of the Town of Northampton, in the County of Hampshire, and erect it into a separate and distinct Town by the name of Westhampton, and did also in the same session set off Moses Bartlet and others, inhabitants of a place

Legislative
Records of the
Council,
xxxix., 181.
Mass.
Archives,
ccxxi., 455.

Mass.
Archives,
ccxxi., 456,
457.

Legislative
Records of the
Council,
xxxix., 181.
Mass.
Archives,
ccxxi., 464.

called Pogeshole, part of the said Town of Northampton, and annex them to the Town of Southampton:

And whereas this Court did in their last session order the sum of One million, twenty seven thousand and six pounds, four shillings and five pence, to be raised upon the polls and estates of the inhabitants of this State, and did apportion the same sum upon the several towns and districts thereof respectively according to the last valuation; in which the said Town of Westhampton and place called Pogeshole is included within the said Town of Northampton, by which means the sum of Five thousand three hundred and fifty-two pounds, fifteen shillings and four pence, which is apportioned and set upon the said Town of Northampton by the same act, is the proportion which the said Towns of Northampton and Westhampton and the said place called Pogeshole ought to pay of the said sum of One million, twenty seven thousand and six pounds, four shillings and five pence:

And also whereas by the last mentioned act the Town of Westhampton has not any sum set upon it as its share or proportion of the said tax, nor is there any provision made in the same act to enable the Assessors of the said Town of Northampton to assess the inhabitants of the said Town of Westhampton, or the inhabitants of the said place called Pogeshole, for their parts and proportions respectively of the said sum of Five thousand, three hundred and fifty-two pounds, fifteen shillings and four pence, set upon the said Town of Northampton; whereby the inhabitants of the said Town of Westhampton will have no public taxes to pay this year, and the inhabitants of the said place called Pogeshole will be liable to pay their part of the public tax with the Town of Southampton, which will be very injurious to the said Town of Northampton: For remedy whereof be it

Resolved that the said Assessors of the said Town of Northampton be and they hereby are impowered and directed to assess the inhabitants of the said Town of Westhampton and place called Pogeshole, for their respective parts and proportions of the said sum of Five thousand, three hundred and fifty-two pounds, fifteen shillings and four pence, which is now set upon the said Town of Northampton only, in the same manner as if the said Town of Westhampton and place called Pogeshole had not been set off from the said Town of Northampton; and the Constables or Collectors of the said Town of Westhampton are hereby impowered and directed to levy and collect of the inhabitants of the said Town of Westhampton and place called Pogeshole, the several rates or taxes that shall be committed to them by the said Assessors of the said Town of Northampton to collect agreeable to this Resolve.

And be it further

Resolved that the Assessors of the said Town of Southampton be and they hereby are directed not to assess upon the inhabitants of the said place called Pogeshole any sum whatever, as their share or proportion of the public tax set upon the said Town of Southampton by the last Tax Act. [*Passed April 13.*]

CHAPTER 641.

Legislative
Records of the
Council,
xxxix., 183.
Mass.
Archives,
ccxi., 437.
Mass.
Archives,
ccxi., 436, 438.

RESOLVE ON THE PETITION OF CADWALLADER FORD, JUN^r.

Resolved that Cadwallader Ford, Jun^r, be and he hereby is impowered to make and execute to Eleazer Stickney, of Tewksbury, a good and lawful deed of the same seventy acres of land with the buildings thereon, which were conveyed by said Stickney to Benjamin Thompson, late of Wilmington, deceased. [*Passed April 13.*]

CHAPTER 642.

RESOLVE ADJOURNING THE INFERIOR COURT OF COMMON PLEAS IN HAMPSHIRE COUNTY.

Legislative
Records of the
Council,
xxxix., 169.
Mass.
Archives,
ccxi., 471.

WHEREAS the Inferior Court of Common Pleas by law appointed to be held at Northampton, in the County of Hampshire, on the second Tuesday of February last now stands adjourned to Monday the seventeenth day of May next, and whereas it will be inconvenient to attend the business at the time and place aforesaid: Therefore

Resolved that the said Court be and hereby is further adjourned to the third Tuesday of May next, then to be held at Springfield, in and for the said County, and all matters and things that would have come before said Court on the said seventeenth day of May shall be considered and determined upon by the said Court on the said third Tuesday of May next at Springfield aforesaid, to all intents and purposes as might have been on the said second Tuesday of February last at Northampton aforesaid, of which all persons concerned are hereby directed to take notice accordingly. [*Passed April 14.*]¹

CHAPTER 643.

RESOLVE ON THE PETITION OF NATHANIEL COFFIN AND OTHERS.

Legislative
Records of the
Council,
xxxix., 183.
Mass.
Archives,
clxxxv., 110.
Mass.
Archives,
clxxxv., 109,
110.

ON A PETITION of Nathaniel Coffin and others, in behalf of the inhabitants of Nantucket, setting forth that on the fifth current a number of armed men from Newport, calling themselves loyal refugees, landed on said Island and plundered several stores and vessels of every valuable commodity, and praying that Timothy Folger and Benjamin Hussey might be impowered to repair to New York and Rhode Island to solicit compensation therefor.

Resolved that the prayer of said Petition be granted, and that the said Timothy Folger and Benjamin Hussey be and they hereby are permitted to go to Newport and New York for the purpose abovementioned. [*Passed April 14.*]

¹ This date is April 9 according to Legislative Records of the Council.

CHAPTER 644.

RESOLVE ALLOWING £1,000 TO THE COMMISSARY OF PENSIONERS.

Resolved that there be paid out of the public Treasury of this State to John Lucas, Commissary of Pensioners, the sum of One thousand pounds, to enable him to pay the Pensions as they become due. [*Passed April 14.*]

Legislative
Records of the
Council,
xxxix., 184.
Mass.
Archives,
ccxxi., 472.

CHAPTER 645.

RESOLVE ON THE PETITION OF BARBARA ROSS AND ESTHER MARTIN.

ON THE PETITION of Barbara Ross and Esther Martin, praying they may be permitted to go to their husbands at New York and carry with them their children, wearing apparel, bedding, linnen and household furniture.

Resolved that the said Barbara Ross and Esther Martin, with their children, have liberty to go to New York in a Cartel, not to return to this State again, and that they be permitted to carry their wearing apparel and such other articles as the Committee of Safety for the Town of Falmouth shall judge necessary to render them comfortable on their passage. And it is further

Resolved that the said Committee be and hereby are directed to take into their possession all the estate of Thomas Ross and John Martin, husbands of the said Barbara and Esther, and retain the same till the further order of this Court. [*Passed April 14.*]

Legislative
Records of the
Council,
xxxix., 184.
Mass.
Archives,
ccxxi., 478.
Mass.
Archives,
ccxxi., 479-481.

CHAPTER 646.

RESOLVE ON THE PETITION OF JAMES APTHORP.

ON THE PETITION of James Apthorp, praying for liberty to send his daughter Fanny Apthorp to England.

Resolved that the prayer of the Petition be granted and that he have liberty to send her under such restrictions as the Honorable Council shall deem fit, not to return again into this State during the continuance of the present war. [*Passed April 14.*]

Legislative
Records of the
Council,
xxxix., 184.
Mass.
Archives,
clxxxv., 100.
Mass.
Archives,
clxxxv., 99.

CHAPTER 647.

RESOLVE ON THE PETITION OF ELISHA HARDING.

ON THE PETITION of Elisha Harding, of Franklin, setting forth that in October last he was possessed of a note of this State of Ten pounds, bearing date December 1, 1777, given to one Zachariah Reed and by him ordered over to the said Harding, which said note by accident was destroyed as mentioned in said Petition, and prays the interposition of this Court.

Resolved that Henry Gardner, Esq^r, the Treasurer of this State, be and hereby is directed to make out a note to the said Elisha Harding for the sum of Ten pounds, bearing date December 1, 1777, in full satisfaction of said note as aforesaid. [*Passed April 14.*]

Legislative
Records of the
Council,
xxxix., 187.
Mass.
Archives,
ccxxi., 466.
Mass.
Archives,
ccxxi., 467, 468.

CHAPTER 648.

RESOLVE ALLOWING £S. 0^s 6^d TO THE SELECTMEN OF PLYMOUTH.

Legislative
Records of the
Council,
xxxix., 189.
Mass.
Archives,
ccxxi., 475.

ON THE PETITION of Thomas Nicholson, in behalf of himself and others.

Resolved that there be paid out of the Treasury of this State to the Selectmen of Plymouth, the sum of Eight pounds and six pence, in full of the charges which arose in forwarding an express from Plymouth to General Heath in August last, informing him of the British fleet being off that harbour. [*Passed April 14.*]

CHAPTER 649.

RESOLVE ON THE PETITION OF LIVERMORE WHITTRIDGE.

Legislative
Records of the
Council,
xxxix., 189.
Mass.
Archives,
ccxxi., 475.

Mass.
Archives,
ccxxi., 476, 477.

THE COMMITTEE of both Houses that were appointed to consider the Petition of Livermore Whittridge, praying that his title to a piece of land in Beverly, in the County of Essex, purchased of one Robert Hale Ives, deceased, for a valuable consideration, may be confirmed to him for reasons set forth in said Petition, beg leave to report the following Resolve.

B. WHITE per order.

Resolved that the prayer of said Petition be granted, and that the deed of the land referred to in said Petition from Robert Hale Ives to Livermore Whittridge, given and executed in the year 1770, be and hereby is established and confirmed to the said Livermore Whittridge, as conveying to him and his heirs forever, an absolute estate in fee simple according to the tenor of said deed; and that the said Whittridge and his heirs hold and enjoy the said land by force of said deed in the same manner as tho' the same had come to the said Robert Hale Ives in fee simple by purchase, and not as heir to Robert Hale, Esq^r, deceased, any construction of any clause in the last will and testament of the said Robert Hale, Esq^r, deceased, to the contrary notwithstanding.

Read and accepted and concurred. [*Passed April 14.*]

CHAPTER 650.

RESOLVE ON THE PETITION OF ELIJAH LIVERMORE.

Legislative
Records of the
Council,
xxxix., 190.
Mass.
Archives,
ccxxi., 494.

Mass.
Archives,
ccxxi., 495.

ON THE PETITION of Elijah Livermore, praying that he may have a clearance for a vessel bound to Kennebeck, on board of which are sundry live stock.

Resolved that Nathaniel Barber, Esq^r, Naval Officer for the port of Boston, be and he hereby is directed to clear out a vessel, on board of which are three yoke of oxen, two horses, a cow and a calf, the property of said Livermore, bound to a Township near Kennebeck River, the embargo on provisions notwithstanding. [*Passed April 15.*]

CHAPTER 651.

RESOLVE PERMITTING CAPT. PEREZ CUSHING AND MEN TO SERVE
ON BOARD THE BRIG HAZARD.

WHEREAS the Hon^{ble} the major part of the Council have ordered Capt. John Foster Williams in the Brig Hazard, belonging to this State, to sail immediately on a cruize of eight days, and it being represented to this Court that Capt. Perez Cushing, with a number of men belonging to the corps of artillery under Lieut. Col. Revere, are willing to enter on board said Brig for said term: Therefore

Legislative
Records of the
Council,
xxxix., 190.
Mass.
Archives,
ccxxi., 493.
Mass.
Archives,
cxliii., 355.

Resolved that The Hon^{ble} the major part of the Council be requested to permit the said Capt. Perez Cushing with a number of men, not exceeding thirty, to enter on board said Brig for the term aforesaid, to be returned to their posts at the expiration of said cruize. [*Passed April 15.*]

CHAPTER 652.

RESOLVE ALLOWING £10. 16^s 8^d TO THE SELECTMEN OF TOWNSEND.

ON THE PETITION of James Larke, in behalf of the Selectmen of Townsend, praying for an allowance for transporting the packs of ten soldiers from Townsend to Bennington, as mentioned in said Petition.

Legislative
Records of the
Council,
xxxix., 190.

Resolved that there be paid out of the Treasury of this State the sum of Ten pounds, sixteen shillings and eight pence, in full for transporting said packs, the same to be paid to the Selectmen of Townsend, or their order. [*Passed April 15.*]

CHAPTER 653.

RESOLVE ON THE PETITION OF INHABITANTS OF WALPOLE.

ON THE PETITION of a number of the inhabitants of the Town of Walpole, praying that a Committee of this Court might be sent to view their situation and report upon the propriety of their being annexed to the Town of Dedham.

Mass.
Resolves,
April sess.,
chap. 35.

Resolved that the petitioners notify the Town of Walpole by serving the Town Clerk with an attested copy of their Petition and this Order fifteen days at least before the second Wednesday of the next sitting of the General Court, that they may shew cause (if any they have) on said day why the prayer thereof should not be granted. [*Passed April 15.*]

CHAPTER 654.

RESOLVE ON THE PETITION OF INHABITANTS OF WARWICK.

THE COMMITTEE of both Houses on the Petition of the inhabitants of the Town of Warwick, have considered the same, heard the parties and report:

Legislative
Records of the
Council,
xxxix., 191.

Mass.
Archives,
ccxxi., 482.

Mass.
Archives,
ccxxi., 483-
492.

That leave be given to bring in a Bill impowering said town to make sale of the lands mentioned in their said Petition, for the purposes of supporting the Gospel and incorporating them into a Society as in said Petition is set forth; saving to such of the freeholders of said town as may hereafter be imbodyed into or with a regular church having a Protestant learned Gospel Minister settled among them; in that case such inhabitants to have their proportionable part of the interest of the money raised by the sale of said lands according to their State Tax.

In Council.

Read and accepted.

In the House of Representatives.

Read and concurred. [*Passed April 16.*]

CHAPTER 655.

RESOLVE ON THE PETITION OF DANIEL M^cCARTHY.

Legislative
Records of the
Council,
xxxix., 199.
Mass.
Archives,
ccxxii., 5.

Mass.
Archives,
ccxxii., 6.

ON THE PETITION of Daniel M^cCarthy, praying that Calahan M^cCarthy, a prisoner on board the Guardship, may be admitted to come on shore to the house of the petitioner.

Resolved that the prayer of the Petition be granted, and that the Commissary of Prisoners be and hereby is directed to permit the said Calahan M^cCarthy to come on shore on his parole that he will not do or say anything prejudicial to this or any of the United States of America, and provided that the petitioner, Daniel M^cCarthy, gives bonds of One thousand pounds, with two sureties of Five hundred pounds each, to the Treasurer of this State, that the said Calahan M^cCarthy shall not depart the house and limits of the farm of the petitioner at Roxbury except to attend public worship on Sabbath days, and will see him forthcoming when called for to be exchanged. [*Passed April 16.*]

CHAPTER 656.

RESOLVE ON THE PETITION OF JEREMIAH INGRAHAM.

Legislative
Records of the
Council,
xxxix., 199.
Mass.
Archives,
ccxxi., 499.

ON THE PETITION of Jeremiah Ingraham, praying that he may have a clearance for a vessel bound to the County of Lincoln in the eastern part of this State, on board of which are sundry live stock.

Resolved that the Naval Officer for the Port of Boston, viz. Nathaniel Barber, Esq^r, be and he hereby is directed to clear out a coasting vessel called the Hannah, Samuel Oakman, Master, bound to a Township in the County of Lincoln and State aforesaid, having on board three cows, four heifers and provisions for his family, the property of said Ingraham, the embargo on provisions notwithstanding. [*Passed April 16.*]

CHAPTER 657.

RESOLVE ON THE MEMORIAL OF JOSEPH HENDERSON, COMMISSARY OF PRISONERS.

Resolved that Joseph Henderson, Commissary of Prisoners, be and he hereby is authorised and empowered to permit Capt. Bel-fourt, a wounded prisoner now on board the Prison ship, to be removed from said ship to some suitable and convenient room in one of the public hospitals within the Town of Boston. [*Passed April 16.*]

Legislative
Records of the
Council,
xxxix., 200.
Mass.
Archives,
ccxi., 498.
Mass.
Archives,
ccxi., 496.

CHAPTER 658.

RESOLVE FOR APPREHENDING JOHN JONES AND OTHER INIMICAL PERSONS.

THE COM^{TEE} of both Houses upon the representation of the Committee of Correspondence, Inspection and Safety for the Town of Boston report as follows:

Resolved that a warrant be immediately made out by the Hon^{ble} Council of this State for the apprehending and committing to the common goal, John Jones, mariner, Benjamin Procter, trader, Davis Hatch, mariner, and John Butler, mariner, the persons named in said representation, as persons inimical to this and the United States; and that the Superior Court of Judicature, &c., be specially appointed to sit for the trial of the persons above-named as soon as conveniently may be.

Read and accepted and concurred. [*Passed April 16.*]

Legislative
Records of the
Council,
xxxix., 200.
Mass.
Archives,
ccxi., 501.
Mass.
Archives,
ccxi., 500.

CHAPTER 659.

RESOLVE ALLOWING £150 TO MESSRS. FOUQUET.

ON THE PETITION of Lieut. Nicholas Fouquet in behalf of himself and father.

Resolved that the Hon^{ble} Council be requested to draw a warrant on the Treasurer for the sum of One hundred and fifty pounds in favor of Messrs Fouquet, in order to defray their expences from hence to Philadelphia, and that the Treasurer be directed to charge said sum to the Continental account; likewise that the Hon^{ble} Council be requested to give said Fouquets a certificate agreeable to their request. [*Passed April 16.*]

Legislative
Records of the
Council,
xxxix., 200.
Mass.
Archives,
ccxii., 1.
Mass.
Archives,
ccxii., 3.

CHAPTER 660.

RESOLVE ALLOWING THE ACCOUNT OF THE TREASURER OF CUMBERLAND COUNTY.

ON THE ACCOUNTS of Joseph McLallen, Treasurer of the County of Cumberland.

Whereas it appears upon examination of the County Treasurer's accounts for the County of Cumberland, that all the monies granted and allowed by the General Sessions of the Peace for said County from May, 1777, to January, 1779, were for such purposes and appropriations as the law impowered the said Court to grant,

Legislative
Records of the
Council,
xxxix., 201.
Mass.
Archives,
ccxii., 20.

and the ballance due to the County is Ninety-two pounds, eleven shillings and nine pence, one farthing: Therefore

Resolved that the said accounts be allowed. [*Passed April 17.*]

CHAPTER 661.

RESOLVE DISCHARGING THE ACCOUNT OF HEZEKIAH SMITH, LATE COMMISSARY.

Legislative
Records of the
Council,
xxxix., 201.
Mass.
Archives,
cexxii., 21.
Mass.
Archives,
cexxii., 22.

WHEREAS Hezekiah Smith, late Commissary at Ticonderoga, in his account and schedule rendered in on oath hath acknowledged to have received thirteen hogsheads and four tierces of Rum, six hogsheads of Sugar, forty-five boxes of Chocolate, six casks of Raisins, one tierce of Brandy, two tierces of Rice, two tierces of Oatmeal, two hogsheads of Salt, three hogsheads of Molasses, four tierces of Indian Meal, one barrel of Ginger, one tierce of Cloathing, four hogsheads and one tierce of Coffee, to be sold at Ticonderoga, agreeable to the Resolves and Orders of the General Court: And whereas by his said account on oath he hath credited this State only with the sum of One thousand three hundred and seventy-four pounds, three shillings, which would be far short of the full amount of the above articles if sold, and as he on oath declares that the remainder was lost by the evacuation of Ticonderoga in the year 1777:

Resolved that the said Hezekiah Smith be charged with the sum of Thirteen hundred and Seventy-four pounds, three shillings, as the full amount of the sales of the above articles by him received; and the Committee to audit accounts of this State in the further liquidating his accounts, be and they hereby are directed to charge the same accordingly. [*Passed April 17.*]

CHAPTER 662.

RESOLVE FOR PROCURING GRAIN OR FLOUR FOR THE TOWN OF SALEM.

Legislative
Records of the
Council,
xxxix., 202.
Mass.
Archives,
cexxii., 18.
Mass.
Archives,
cexxii., 19.

WHEREAS the Overseers of the Poor of the Town of Salem have contracted with M^r John Williams, of Deerfield, to procure for them a supply of Grain or Flour wherever it can be procured, in order to relieve the distresses of the poor of that town arising from the want of Bread:

Resolved that it be and hereby it is recommended to the good people in this and the neighbouring States to permit the said John Williams, or M^r Isaac White, of Salem, or both of them, to purchase and forward to said Town of Salem a supply of Grain or Flour, or both, as they may be able to purchase or procure for that purpose. [*Passed April 17.*]

CHAPTER 663.

RESOLVE ON THE PETITION OF CAPT. RICHARD LOMBARD.

Legislative
Records of the
Council,
xxxix., 202.
Mass.
Archives,
cexxii., 16.
Mass.
Archives,
cexxii., 17.

Resolved that the Committee upon Muster Rolls be and they hereby are directed to receive and examine the Muster Roll of said Lombard, and to adjust the same on the establishment of the

Seacoast men for the year 1776, and that the amount thereof be paid to Col. Edmund Phinney for the use of the persons named in said Roll, he giving his receipt therefor. [*Passed April 17.*]

CHAPTER 664.

RESOLVE FOR DELIVERING THE POWDER MILL AT STOUGHTON TO SAMUEL OSGOOD, ESQ^r.

Resolved that Thomas Crane, Esq^r, be and he hereby is directed to deliver to Samuel Osgood, Esq^r, or his order, the Powder Mill at Stoughton belonging to this State, which is under said Crane's care, on Monday next, together with the buildings and utensils thereto belonging, and also the materials that have been purchased for repairing and enlarging said mill, and which were on or near the land belonging to said mill at the time it was sold. And said Crane is further directed to deliver said Osgood, or his order, when he is ready to receive them, all the Saltpetre, Sulphur and unmerchable Gun Powder belonging to this State, which is under his care, lodging a receipt therefor with the Secretary. [*Passed April 17.*]

Legislative
Records of the
Council,
xxxix., 203.
Mass.
Archives,
cexxii., 15.

CHAPTER 665.

RESOLVE FOR PROCURING GRAIN OR FLOUR FOR THE TOWN OF PLYMOUTH.

WHEREAS the Overseers of the Poor and Selectmen of the Town of Plymouth have contracted with M^r James Shaw, of Bridgewater, to procure for them a supply of Grain or Flour wherever it can be procured, in order to relieve the distresses of the poor of that town arising from the want of Bread:

Legislative
Records of the
Council,
xxxix., 203.
Mass.
Archives,
cexxii., 13.

Resolved that it be and hereby it is recommended to the good people in this and the neighbouring States, to permit the said James Shaw, or any person appointed by said Selectmen and Overseers of the Poor of Plymouth, to purchase and forward to said Town of Plymouth a supply of Grain or Flour, or both, as they may be able to purchase or procure for that purpose. [*Passed April 17.*]

Mass.
Archives,
cexxii., 14.

CHAPTER 666.

RESOLVE ON THE REPRESENTATION OF CAPT. JOHN FOSTER WILLIAMS.

ON THE REPRESENTATION of Capt. John Foster Williams, commander of Brig Hazard, that he has received orders to proceed to sea for the term of eight days but finds himself unable to procure any men.

Legislative
Records of the
Council,
xxxix., 203.
Mass.
Archives,
cexxii., 11.

Resolved that the said Williams haul in said Brig and follow the directions of the Board of War. [*Passed April 17.*]

Mass.
Archives,
cexxii., 12;
celxxxv., 22.

CHAPTER 667.

RESOLVE ON THE PETITION OF JOHN CALDWELL.

Legislative
Records of the
Council,
xxxix., 203.
Mass.
Archives,
cexxii., 10.
Mass.
Archives,
cexxii., 7-9.

Resolved that the prayer of the Petition be so far granted as that the said John Caldwell be and hereby is permitted to go to Worcester to settle his concerns with the Judge of Probate for the said County of Worcester, as mentioned in said Petition, and having finished said business, that he the said John Caldwell return to the Town of Barre, and not depart without the limits of the said Town of Barre till the further order of the General Court, any thing in the Resolve of the General Assembly of the 9th of June, 1777, to the contrary notwithstanding. [*Passed April 17.*]

CHAPTER 668.

RESOLVE ON THE PETITION OF SAMUEL SERGEANT AND BAILEY BOND.

Legislative
Records of the
Council,
xxxix., 204.
Mass.
Archives,
cclxxxv., 23.

ON THE PETITION of Samuel Sergeant and Bailey Bond, who were soldiers in Capt. Harrington's company of militia to do duty at Roxbury for three months, and were turned over to Capt. Belcher in Boston to do duty there the same time, and who have not been made up in either of their pay rolls for their State pay, and praying for relief.

Resolved that there be allowed and paid out of the public Treasury of this State to Samuel Sergeant and Bailey Bond, the sum of Six pounds each, in full for their service, as State's pay. [*Passed April 17.*]

CHAPTER 669.

RESOLVE ON THE PETITION OF CAPT. CHARLES COLTON.

Legislative
Records of the
Council,
xxxix., 205.
Mass.
Archives,
cexxii., 26.
Mass.
Archives,
cexxii., 27.

ON THE PETITION of Charles Colton, a supernumerary Captain in Col. Groaton's regiment, in behalf of himself and Samuel Day, a supernumerary Lieutenant of the same regiment.

Resolved that the Board of War be and hereby are directed to deliver the said Charles Colton cloathing for himself and said Day, as prayed for in his Petition, he paying the usual price for the same. [*Passed April 19.*]

CHAPTER 670.

RESOLVE FOR RAISING MEN TO SERVE AS GUARDS AT BOSTON, RUTLAND AND SPRINGFIELD.

Legislative
Records of the
Council,
xxxix., 191.
Mass.
Archives,
cexxii., 23.
Mass.
Archives,
cc., 395.

WHEREAS Major General Heath by his letter dated April 14, 1779, has represented to this Court the necessity of continuing the present number of guards, doing duty in and about Boston, Rutland, Springfield and elsewhere, and as the frequent detaching the militia for that purpose is attended with trouble and often with delay: Therefore

Resolved that the Council be and hereby are requested to give Beating Orders and Inlistments to the Captains commanding com-

panies of guards in and about Boston, and on their refusal to such other persons as they may judge proper, to enlist four companies of one hundred men each, including one Captain, two subalterns, eight serjeants, eight corporals, one drum and one fife, to do duty in and about Boston for the term of three months, to commence at the expiration of their present term, under the command of the Continental officer commanding in this State for the time being; and the said Captains previous to the expiration of said three months, to enlist other companies for a like term to succeed one another till the further order of this Court, and make up their pay rolls every three months successively, and exhibit the same to this Court for allowance and pay upon the Continental establishment; and over and above that, to be allowed and paid by this State to each Captain the sum of Six pounds; to each subaltern the sum of Five pounds; and each non-commissioned officer and private soldier the sum of Eight pounds; for each calendar month during the time of their continuing in said service, and each non-commissioned officer and private soldier shall be equipped according to the Militia Act, and shall be mustered by the Colonel of the Militia regiment where the guards are stationed; and that the Council be requested to give Beating Orders to the Captain commanding a company of guards at Springfield in like manner, to enlist a company of fifty men including one Captain, one subaltern, three serjeants, three corporals, one drum and one fife, to do duty at Springfield in all respects as above; and as there has been no establishment made for the guards at Springfield for the present three months: it is further

Resolved that the above establishment shall apply to the present guard at Springfield, and the Captain thereof shall make up his roll accordingly.

And it is further

Resolved that the Council of this State be and hereby are requested to give Beating Orders in like manner to the Captain commanding a company of guards at Rutland, to enlist a company to consist of one Captain, two subalterns, three serjeants, three corporals, one drum, one fife and fifty privates, to do duty at Rutland for the same term, on the same establishment, and in succession and in all respects as above.

Beating Orders.

To Gentleman, Greeting: You are impowered immediately to inlist a company to consist of ninety-seven able bodied effective men, including eight serjeants, eight corporals, one drum, one fife and seventy privates, as the case may be, as soldiers in the service of this State for the term of Three Months after their arrival at the place of their destination, and before that term expires to inlist another company to consist of the same number for the same term in succession, and continue so to do till the further order of the General Court, or of the Council in the recess of the Court.

Inlistment.

We the Subscribers do severally inlist ourselves into the service of the State of Massachusetts Bay to serve in a company whereof is Captain, for the term of Three Months after our arrival at the place of our destination, unless sooner discharged, and each of us do engage to equip ourselves with arms and accoutrements according to the Militia Act of this State and march when ordered to the place of destination; and hereby oblige ourselves faithfully to observe and obey all such orders as we shall receive from time to time from the officers that are or shall be

appointed over us, and be subject to such regulations as are provided for the Continental Army. Dated this day of 1779.

Resolved that the Council be and hereby are requested to make out the necessary commissions for the officers enumerated in the foregoing Resolves, and if it should so happen that any small guards should be needed, to make out the Beating Orders for their enlistment according to the aforesaid Resolves.

And it is further

Resolved that the Council be and hereby are requested to commission a Field officer of such rank as they may think proper, from time to time, to command the four companies in these Resolves to be raised to do duty in and about Boston. [*Passed April 19.*¹

CHAPTER 671.

RESOLVE RESPECTING ESTATES OWNED BY SUBJECTS OF GREAT BRITAIN.

Legislative
Records of the
Council,
xxxix., 205.
Mass.
Archives,
ccxxii., 28.

WHEREAS a Resolve passed February 20, 1779, empowering the Judges of Probate in their respective Counties to appoint Agents for leasing out divers houses and lands owned by persons subject to the King of Great Britain, and which lay within the respective Counties of the said Judges:

It is further

Resolved that any Agent appointed by virtue of the Resolve aforesaid shall have the same power and authority over the estate, real or personal, of which he is Agent, if the same lies or shall be found in several Counties within this State, as if the same had been within the County where the person appointed Agent lives. [*Passed April 19.*

CHAPTER 672.

RESOLVE ON THE REMONSTRANCE OF COL. JOHN ALLAN RESPECTING MACHIAS.

Legislative
Records of the
Council,
xxxix., 187.
Mass.
Archives,
ccxxii., 36.

ON THE REMONSTRANCE of Col. Allan respecting the defence of Machias and stores necessary to trade with and supply the Indians, and also for restraining persons trading with the Indians in violation of the laws of this State, and for money to conduct the business he is engaged in.

Mass.
Archives,
ccxxii., 35-47.
Legislative
Records of the
Council,
xxxix., 188.

Resolved that if occasion requires, three hundred men be raised for the defence of Machias; one company of Rangers, consisting of one hundred men, including officers, to be raised immediately on the Continental establishment, and that the thirty-three artillery men now there be and hereby are continued in the service under the command of Lieut. Albee on the same establishment; and it is recommended to the inhabitants of Machias to assist in repairing and completing the Fort and Works there. And it is also

Resolved that the Schooner Neashquowoit be employed in the service, fitted and armed agreeable to the memorandum herewith exhibited, and that the Board of War be and hereby are directed and empowered to supply the same, and also the other articles contained in said memorandum for the trade and supply of the

¹ This date is April 15 according to Legislative Records of the Council.

Indians when occasion requires; which goods to be put into one store under the care of one Commissary, who is to deliver them out for the purpose aforesaid by the order of Col. Allan only.

And whereas sundry persons have traded with the Indians contrary to the laws of this State in that case made and provided to the injury of the public: It is therefore

Resolved that all persons in authority be and hereby are directed, and to the inhabitants of Machias and the Eastern parts of this State it is recommended, to endeavour to detect and bring all such persons acting in violation of the laws aforesaid to justice.

And it is further

Resolved that there be paid out of the Treasury of this State, as soon as the state of the Treasury will admit, to Col. John Allan, or order, the sum of Fifteen hundred pounds, to enable him to discharge his necessary accounts and charges in conducting the business of his department, he to be accountable for the same. And it is also

Resolved that the aforesaid supplies and money advanced be charged to the account of disbursements of this State against the United States. [*Passed April 20.*¹]

CHAPTER 673.

VOTE ON REPORT CONCERNING CHARGES MADE AGAINST CAPT. JOHN FOSTER WILLIAMS.

THE COMMITTEE of both Houses appointed to consider the charges exhibited by the Board of War against Capt. John Foster Williams, commander of the Brig Hazard, belonging to this State, have heard the parties and unanimously report as follows:

Your Committee are clearly of opinion that it is the duty of the commanders of the ships belonging to this State, strictly to comply with the orders of the Board of War founded upon the laws of this State; and that such orders always imply a practicability of compliance, consistent with the good of the State, which ever must depend on contingencies which the General Court or the Board of War cannot be competent judges of, but success must unavoidably depend upon the judgment a commander makes upon contingencies when they happen. Though Capt. Williams did not comply with the letter, separate from the natural implication of such orders, yet virtually his compliance was as strict as his circumstances would admit and the nature of the things would require. And though your Committee are pleased with the vigilance of the Board of War, yet justice to Capt. Williams obliges us to say that he has reasonably accounted for his literal deviation from the orders of the Board of War, in every particular, and in all respects during his arduous cruise his conduct has been that of a sensible, prudent trustee of the property of this State, and of a brave and resolute sea commander; and his spirited conduct merits the thanks of this State and the highest applause from every friend to the liberties of America.

All which is submitted.

BENJ. AUSTIN p order.

In Council

Read and accepted.

In the House of Representatives

Read and concurred. [*Passed April 20.*]

Legislative
Records of the
Council,
xxxix., 207.
Mass.
Archives,
ccxxii., 49.
Mass.
Archives,
ccxxii., 51-54.

¹ This date is April 14 according to Legislative Records of the Council.

CHAPTER 674.

Legislative
Records of the
Council,
xxxix., 207.
Mass.
Archives,
ccxxii., 29.
Mass.
Archives,
ccxxii., 30-34.

RESOLVE ON THE PETITION OF THOMAS CRANDON.

Resolved that the said Thomas Crandon serve the said Abigail Thomas with an attested copy of said Petition and this Order thereon, fourteen days before the second Wednesday of the next sitting of the General Court, to shew cause, if any she have, on said second Wednesday, why the prayer of said Petition should not be granted. [*Passed April 20.*]

CHAPTER 675.

RESOLVE ON THE PETITION OF ASAPH WHITE.

Mass.
Resolves,
April sess.,
chap. 57.

ON THE PETITION of Asaph White, Agent of the Town of Charlemont, praying that an Act of the General Assembly lately passed incorporating a part of the lands of said Charlemont, with others, into a Township by the name of Buckland, may be repealed or altered.

Resolved that the petitioner serve the inhabitants of the said Town of Buckland with a copy of said Petition, together with this Order thereon, by delivering it to the Town Clerk, if any they have, or otherwise by posting up the same in some public place in said Buckland, and delivering a duplicate to some principal inhabitant thereof, that they may shew cause, if any they have, on the second Wednesday of the next session of the General Court, why the prayer thereof should not be granted. [*Passed April 20.*]

CHAPTER 676.

RESOLVE ON THE PETITION OF GABRIEL JOHONNOT, ESQ., AGENT FOR THE ESTATE OF THOMAS HUTCHINSON, LATE GOVERNOR.

Mass.
Archives,
clxxxv., 137,
138.

Mass.
Archives,
clxxxv., 128-
136.

ON THE PETITION of Gabriel Johonnot, Esq^r, Agent for the estate of Thomas Hutchinson, Esq^r, late Governor of the Massachusetts Bay, and also the Memorials of the Committees of Correspondence of the Towns of Milton and Dorchester.

Resolved that Gabriel Johonnot, Esq^r, Agent for the estate of Thomas Hutchinson, Esq^r, late of this State, an Absentee, be and he hereby is directed and strictly enjoined forthwith to advertise and lease out at public auction to the highest bidder, agreeable to the requirements of a Resolve of this Court of February 17, 1779, the time for leasing said estate by said Resolve being elapsed notwithstanding, all the real estate of the aforesaid Absentee lying within the Towns of Milton and Dorchester, and that he put the lessee or lessees in immediate possession of the same. [*Passed April 20.*]

CHAPTER 677.

RESOLVE ON THE PETITION OF ANN COTES.

UPON THE PETITION of Ann Cotes, praying liberty to go to Newport in order to return to her friends in England.

Resolved that the petitioner Ann Cotes be and she is hereby permitted to return to her friends in England, and for that purpose it is recommended to the Hon^{ble} General Gates, commanding officer in Rhode Island, to suffer the said Ann Cotes to pass on to Newport, provided she do not return to this State and that all the letters which she may take to carry with her be properly inspected. [*Passed April 21.*]¹

Legislative
Records of the
Council,
xxxix., 204.
Mass.
Archives,
ccxxii., 56.

Mass.
Archives,
ccxxii., 55.

CHAPTER 678.

RESOLVE ON THE PETITION OF FRANCIS SHAW, JUN^r.

ON THE PETITION of Francis Shaw, Jun^r, of Gouldsbrough, in the County of Lincoln, praying for leave to go to Nova Scotia and bring from thence his effects and collect sundry debts due to him there.

Resolved that the prayer of the Petition be granted, and that the said Francis Shaw, Jun^r, have leave and is hereby permitted to go to Nova Scotia and bring from thence such of his effects and dues as he may have opportunity or be able to obtain there, and return again to this State. [*Passed April 21.*]

Legislative
Records of the
Council,
xxxix., 209.
Mass.
Archives,
ccxxii., 57.

Mass.
Archives,
ccxxii., 58.

CHAPTER 679.

RESOLVE ALLOWING SUBSISTENCE MONEY TO THE MEN DETACHED FOR SERVICE AUGUST 31, 1778.

WHEREAS the Hon^{ble} Council on the 31st day of August last ordered a detachment from sundry regiments to do military duty in or near Boston, and the officers and soldiers were ordered to furnish themselves with three days provision ready dressed, although most of said regiments soon had counter orders, yet some marched and did duty for some days and found provision for themselves:

Resolved that all such officers and soldiers who did not receive their rations either from the Continent or this State while in the service aforesaid, be allowed two shillings per day as subsistence money, in addition to the pay of Five pounds per month, allowed to the non-commissioned officers and private soldiers by a Resolve of the General Court passed the 30th of September last, and that their State pay rolls be made up accordingly. [*Passed April 21.*]

Legislative
Records of the
Council,
xxxix., 209.
Mass.
Archives,
ccxxii., 59.

Mass.
Archives,
ccxxii., 60.

¹ This date is April 19 according to Legislative Records of the Council.

CHAPTER 680.

RESOLVE ON THE PETITION OF ALEXANDER MURRAY.

Legislative
Records of the
Council,
xxxix., 210.
Mass.
Archives,
ccxxii., 61.

Mass.
Archives,
ccxxii., 62.

UPON THE PETITION of Alexander Murray, praying that he may be allowed for certain reasons to improve that part of his father's estate in Rutland, rent free, which was lately struck off to him by the Agent on said estate.

Resolved that the prayer thereof be fully granted, and that the said Alexander Murray be and he hereby is permitted to improve the land, &c., aforesaid, rent free, until the further order of this Court; and the Agent upon the estate of John Murray, Esq^r, be and he hereby is directed to return to the said Alexander Murray any monies he may have received of him on account of the sale aforesaid. [*Passed April 21.*]

CHAPTER 681.

RESOLVE APPOINTING REV^d SAMUEL DEANE A MISSIONARY TO LINCOLN COUNTY.

Legislative
Records of the
Council,
xxxix., 210.
Mass.
Archives,
clxxxiv., 178.

Mass.
Archives,
clxxxiv., 176.

WHEREAS application has been made to this Court by the Rev^d Nathaniel Ewer, in the name of the churches associated into the first Presbytery of the Eastward, by their Memorial setting forth that the greatest part of the Eastern country are destitute of the preached gospel and unable in their present circumstances to procure to themselves the enjoyment of that privilege, and praying that some able, faithful Missionary may be provided for them at the expence of the public; and it appearing that good and valuable purposes may be answered by such provision:

Resolved that the Rev^d Samuel Deane, of Falmouth, be and he hereby is appointed to that important trust, who shall officiate therein in such places in said County as he with the ministers who are nearest to the destitute places shall judge best, said Missionary to continue in said service until the last day of October next and no longer.

And it is

Resolved that there be allowed and paid to the said Samuel Deane, or his order, the sum of Thirty pounds a month; three months pay to be advanced him at his entrance upon the aforesaid Mission, and the remainder at the end of the term for which he shall be employed as aforesaid. [*Passed April 21.*]

CHAPTER 682.

LETTER TO HIS EXCELLENCY GENERAL WASHINGTON.

STATE OF MASSACHUSETTS BAY.
COUNCIL CHAMBER, April 1779.

Legislative
Records of the
Council,
xxxix., 211.
Mass.
Archives,
cc., 407.

The General Assembly have had under their consideration your Letter to the President of the Council, dated at Middle Brook, the twenty-fourth of March last, and they have directed me to inform your Excellency, that this State will at all times cheerfully afford every assistance in their power by drafts from their Militia, as they have frequently done during the present

contest in cooperation with the United States, to frustrate the designs of their Common Enemy.

And that they apprehend that over and above the men they may raise for filling up their Quota of the Continental Army, and the men they are engaged to supply for the defence of the State of Rhode Island, as well as for guarding and protecting the Continental stores lodged in this State, there could be drawn from the Militia of this State under their present circumstances, Two thousand men, rank and file, by the first of June, for three or four months; One thousand of which on account of their contiguity might be in rendezvous at Coos by that time, if seasonably called for, to act for the same term; and in case the exigency of the times should render it necessary, they doubt not a larger number could be obtained.

In Council.

Read and accepted and thereupon

Ordered that the President of the Council be and he hereby is requested to sign a fair copy of the foregoing Letter to his Excellency General Washington in the name and behalf of the General Assembly of this State and transmit the same.

In the House of Representatives.

Read and concurred. [*Passed April 22.*]

CHAPTER 683.

RESOLVE FOR PROCURING TEAMS FOR THE TRANSPORTATION OF WARLIKE STORES, ETC.

WHEREAS General Heath by his letter of the 16th of April, 1779, hath represented to this Court the pressing demand for a number of Teams immediately to transport warlike stores and other articles from Boston to Springfield for the use of the army, and desiring the assistance of this Court for that purpose: Therefore

Resolved that the Selectmen and Committees of the several towns hereafter named be and they are hereby required upon the application of Col. Chase, Deputy Quarter Master General, immediately to procure the number of Teams set against said towns in the following schedule (viz)

Roxbury	2	Southborough	2
Dorchester	2	Brimfield	3
Brookline	2	Marlborough	3
Dedham	3	Sudbury	4
Needham	2	Reading	3
Lancaster	3	Oakham	1
Bolton	2	Stow	2
Harvard	2	Framingham	3
Holden	1	Concord	2
Hardwick	2	Lincoln	2
New Braintree	2	Lexington	3
Paxton	1	Woburn	3
Western	2	Weston	2
Sturbridge	2	Waltham	2
Brookfield	4	Watertown	2
Spencer	2	Cambridge	3
Leicester	2	Newton	2
Worcester	3	Acton	2
Grafton	2	Bedford	2
Sutton	4	Medford	2
Shrewsbury	4		
Northborough	1	total	100
Westborough	2		

Legislative
Records of the
Council,
xxxix., 206.
Mass.
Archives,
ccxxii., 65.
Mass.
Archives,
ccxxii., 63.

It is further

Resolved that if the Selectmen and Committees of any towns abovenamed shall neglect or refuse to furnish the Deputy Quarter

Master General with the number of Teams assigned them upon his requesting the same, and his paying each teamster at the time of his receiving the load 12^s per mile to the place assigned him to carry the load, that said town or towns where the Selectmen or Committees so neglecting or refusing shall be taxed double the sum of such deficient Team or Teams in the next Tax Act. And it is further

Resolved that each teamster, as soon as may be after he has performed said service, exhibit an account of his time and expences over and above 12^s per mile to the Committee on Accounts for adjustment and payment. And it is hereby recommended to the Selectmen of the Towns of Sudbury, Worcester, Western and Springfield, to provide forage for the abovementioned Teams, the teamster paying a reasonable price for the same. [*Passed April 22.*¹

CHAPTER 684.

RESOLVE ON THE PETITION OF JOHN WILLIAMS.

Legislative
Records of the
Council,
xxxix., 210.
Mass.
Archives,
ccxxii., 67.
Mass.
Archives,
ccxxii., 63.

Resolved that the petitioner, John Williams, be and he hereby is permitted to proceed from hence to Machias, there to take passage for Nova Scotia to settle his business in that Government, and so to Bermuda, agreeable to his request; he first procuring a certificate from Nathaniel Barber, Esq^r, Naval Officer for the Port of Boston, that he has not any letters or papers whereby he may convey any intelligence to the enemy, or anything else that may be prejudicial to the United States of America. [*Passed April 22.*²

CHAPTER 685.

VOTE ACCEPTING REPORT OF COMMITTEE RESPECTING THE SELECTMEN OF SHERBURN.

Legislative
Records of the
Council,
xxxix., 212.
Mass.
Archives,
ccxxii., 69.
Mass.
Archives,
ccxxii., 70-75.

THE COMMITTEE of both Houses appointed to take into consideration the copy of a commission to Benjamin Tupper, Esq^r, and others signed by the Selectmen of Sherburn, together with a letter from Maj^r Gen^l Gates, having attended the service assigned them, are of opinion that no private treaty ought to be carried on with the enemy by any of the inhabitants of this State, and that the Town of Sherburn be notified to appear and give an account of their misconduct touching this matter to the General Court, on the second Wednesday of the next session; and that they also lay before said Court an attested copy of the Memorial ordered by said town to be presented to the Commander-in-Chief of the British Navy and Army.

Your Committee further report as their opinion, that a draft of 500 men be made immediately from the Militia of this State to reinforce the army in the State of Rhode Island, there to do duty until the regiment proposed to be raised for that purpose is completed.

All which is submitted.

W. SPOONER per order

In Council
Read and accepted.

In the House of Representatives
Read and concurred. [*Passed April 22.*

¹ This date is April 20 according to Legislative Records of the Council.

² This date is April 21 according to Legislative Records of the Council.

CHAPTER 686.

VOTE ACCEPTING REPORT RELATIVE TO THE FIRST PRECINCT IN CAMBRIDGE.

THE COMMITTEE of both Houses appointed to repair to the First Precinct in Cambridge to view the same, hear the parties and report what they may judge proper to be done thereon, having attended that service, viewed the premises, heard the parties and duly considered thereon, report as followeth:

That the inhabitants of the Town of Cambridge living on the south side of Charles river, with all the lands in said town laying on the south side of said river, be set off into a separate Precinct as said river runs, excepting Samuel Sparhawk, John Gardner, Joanna Gardner and Moses Griggs and their estates, who shall be exempted from all ministerial taxes to said Precinct so long as they shall live or reside within the same, or until they or either of them shall give their names into the Secretary's office of this State, desiring that they with their estates may be considered as part of said Precinct; then in that case they with their estates shall be recorded as part of said Precinct and shall do duty and receive privileges accordingly, and that a Bill be brought in for the purposes aforementioned. All which is submitted.

W SPOONER per order

In Council.

Read and accepted.

In the House of Representatives.

Read and concurred. [*Passed April 22.*]

Legislative
Records of the
Council,
xxxix., 213.
Mass.
Archives,
ccxxii., 76.

Mass.
Archives,
ccxxii., 77-82.

CHAPTER 687.

RESOLVE IMPOWERING WILLIAM AND LUCRETIA CAMPBELL TO MAKE SALE OF REAL ESTATE.

ON THE PETITION of William Campbell and Lucretia, his wife, praying that they may be enabled to give legal deed or deeds of her real estate, her non-age notwithstanding.

Resolved that the said William Campbell and Lucretia, his wife, be and they hereby are fully empowered to make sale of any or all the real estate of the said Lucretia, which she received as one of the heirs to her late mother, and that any deed or deeds of land duly executed by the said Lucretia, shall be deemed and taken to be as good and effectual in law as though the said Lucretia had been of lawful age. [*Passed April 23.*]

Legislative
Records of the
Council,
xxxix., 215.
Mass.
Archives,
ccxxii., 91, 92.

CHAPTER 688.

RESOLVE IMPOWERING JOSIAH BLAKE AND MARGARET BLAKE, EXECUTORS, TO MAKE SALE OF REAL ESTATE.

ON THE PETITION of Margaret Blake, praying for liberty to have the real estate of her former husband, John Druce, deceased, sold for the reasons set forth in said Petition.

Resolved that the prayer of said Petition be granted, and that Josiah Blake and the said Margaret Blake, executors on the estate aforesaid, be and are hereby empowered to make sale of the real

Legislative
Records of the
Council,
xxxix., 215.
Mass.
Archives,
ccxxii., 94.

Mass.
Archives,
ccxxii., 95, 96.

estate mentioned in said Petition for the most the same will fetch, and to make and execute a good deed or deeds in the law to the purchaser or purchasers, they observing the rules in the law for the sale of real estates by executors and administrators, and giving bond to the Judge of Probate for the County of Suffolk that the proceeds of said sale be disposed of according to law. [*Passed April 23.*]

CHAPTER 689.

RESOLVE RENOUNCING CLAIM OF THE STATE TO THE BRITISH PRIVATEERS ACTIVE AND REVENGE.

Legislative
Records of the
Council,
xxxix., 216.
Mass.
Archives,
ccxxii., 98.

Resolved that this State will and hereby do renounce all claim to the British Privateer called the Active, William Simm, late commander, in favour of John Foster Williams, commander of the Brig Hazard, and the officers and seamen thereof; and all claim to the Privateer Brig Revenge, Edward Thompson, late master, in favour of Capt. Allen Hallet, commander of the Brig Tyrannicide, the officers and seamen thereof; in testimony of their approbation of the spirit and good conduct of the said John Foster Williams, and Allen Hallet, Esq^{rs}, commanders of the said Brigs Hazard and Tyrannicide, the officers and seamen thereof, in capturing the said British Privateers; and all persons concerned are directed to take notice of this Resolve and govern themselves accordingly. [*Passed April 23.*]

CHAPTER 690.

APPOINTMENT OF FIELD OFFICERS FOR THE REGIMENT OF LIGHT INFANTRY.

Legislative
Records of the
Council,
xxxix., 216.
Mass.
Archives,
ccxxii., 99.

In the House of Representatives.

The House made choice by ballot of the following gentlemen as Field Officers of the regiment of Light Infantry to be raised for the defence of this and the other New England States, agreeably to a Resolve passed the 16th current, viz.

Jacob Gerrish	.	.	.	.	.	.	.	Colonel
Joseph Durfee	.	.	.	.	.	.	.	Lieut Colonel
Sabin Mann	.	.	.	.	.	.	.	Major.

In Council

Read and concurred. [*Passed April 23.*]

CHAPTER 691.

RESOLVE ACCEPTING RESIGNATION OF COL. JONATHAN HOLMAN.

Legislative
Records of the
Council,
xxxix., 215.
Mass.
Archives,
ccxxii., 118.

WHEREAS Jonathan Holman, Esq^r, Colonel of the fifth regiment of Militia in the County of Worcester, has asked leave to resign on account of his ill state of health:

Resolved that Col^o Jonathan Holman have and he hereby has leave to resign his commission accordingly. [*Passed April 24.*]

CHAPTER 692.

RESOLVE FOR RAISING A REGIMENT OF LIGHT INFANTRY.

Resolved that one regiment of Light Infantry be raised for the defence and security of this and the other New England States for the term of eleven months from the first day of May next, unless sooner discharged, and that the men so raised be immediately marched to the State of Rhode Island, there to do duty under the command of General Gates, or other the commanding officer in that department, till the further order of the General Court.

Legislative
Records of the
Council,
xxxix., 185.
Mass.
Archives,
ccxxii., 112.

Mass.
Archives,
ccxxii., 116;
ccclxxxv., 21.

And it is further

Resolved that the following persons be appointed Field Officers for the above regiment, viz. Jacob Gerrish, Colonel; Joseph Durfee, Lieut. Colonel; Sabin Mann, Major. And that the abovesaid regiment shall consist of eight companies, and each company of one Captain, two Lieutenants and eighty-six non-commissioned officers and privates; and the Field Officers shall give out Beating Orders and Inlistments to the Captains and subalterns for said regiment, which Beating Orders shall be of the form following, viz.

To

You are hereby impowered immediately to inlist into the service of this State a company of eighty-six effective men, including non-commissioned officers, to continue in the service till the first of April next, and that you cause said men to pass muster as soon as may be.

Dated this day of 1779.

And the Inlistment shall be of the Form following, viz.

We the Subscribers do hereby severally inlist ourselves into the service of the Massachusetts State, to continue in the service till the first day of April next, unless sooner discharged; and each of us do engage to provide ourselves with a good Fire Arm and Bayonet, Cartridge box, Knapsack and Blanket, a Wooden bottle or Canteen, and when formed we engage to march to the State of Rhode Island, or such other place or places within the four New England States, as the General Court (or in the recess of said Court) the Council of said Massachusetts State shall order. And we further engage faithfully to obey such orders as we shall receive from time to time from the officers that are or shall be appointed over us, and to be subject to such regulations as are provided for the Continental Army.

Dated this day of 1779.

It is further

Resolved that each officer, non-commissioned officer and soldier who shall engage in the said service shall be intitled to and receive the same rations and pay as the officers and soldiers belonging to the Continental Army, and that each non-commissioned officer and soldier who shall inlist as aforesaid, shall upon his providing for and furnishing himself with the several articles enumerated in the Inlistment above mentioned, be intitled to receive in addition to the Continental pay, the sum of Ten pounds per month for each calendar month he shall continue in said service, his wages to commence the day he passes muster. And it is further

Resolved that there be allowed to each non-commissioned officer and private soldier, to be paid them respectively at the time of

their passing muster, the sum of Thirty pounds as a bounty; and the Muster Masters in the several counties are directed to muster the men that shall be presented for that purpose by any officer appointed to said regiment, and to keep an account of the towns to which said men severally belong, and also to pay the bounty of Thirty pounds as set forth in the foregoing Resolve to the several men who shall pass muster before him. And it is further

Resolved that there be allowed to each non-commissioned officer and private soldier a suit of cloaths, to consist of a coat, jacket, breeches, two shirts, two pair of stockings and one pair of shoes, to be delivered them on or before the first day of November next. And it is further

Resolved that there be allowed and paid to the commissioned officers over and above their pay aforesaid, the following sums for each month they shall continue in said service, viz., Colonel, Fourteen pounds; Lieutenant Colonel, Twelve pounds; Major, Ten pounds; each Captain, Eight pounds; and each Lieutenant, Six pounds. It is further

Resolved that each Captain in order to intitle him to his commission shall inlist at least thirty men; each first Lieutenant, twenty-two men; and each second Lieutenant, eighteen men; and in case any person shall inlist part of the men assigned him but not a sufficient number to intitle him to his commission, in thirty days from the time he receives Beating Orders, he shall receive for each man so enlisted and mustered the sum of Thirty shillings for his trouble.

And it is further

Resolved that the non-commissioned officers and private soldiers of said regiment shall be allowed and paid one shilling per mile each, from the places of their abode to the place of destination, for their support and subsistence, in addition to the Continental mileage; and the commanding officers of companies are directed to make it up in their rolls accordingly. [*Passed April 24.*¹

CHAPTER 693.

VOTE ACCEPTING REPORT ON PETITION OF NOAH GOODMAN.

THE COMMITTEE of both Houses appointed to consider the Petition of Noah Goodman, Esq^r, Agent for South Hadley and the answer of the Town of Granby thereto, having attended that service, heard the parties upon the Petition and answer, ask leave to report as their opinion, that a Committee of the General Court be appointed to repair to the Towns of South Hadley and Granby aforesaid, at the expence of the said Town of South Hadley, to view the line dividing of the said towns, as well as all the other lands comprehended within the bounds of either of the said towns that either party may request, hear the parties thereon, and report to the next General Assembly what may be proper to be done thereon.

Which is submitted.

MOSES GILL p order.

In Council.

Read and accepted.

In the House of Representatives.

Read and concurred and thereupon

Ordered that M^r Bacon, of Stockbridge, and Maj^r Washburn, of

¹ This date is April 14 according to Legislative Records of the Council.

Leicester, with such as the Hon^{ble} Board shall join, be a Committee for the purposes above-mentioned.

In Council.

Read and concurred and Jabez Fisher, Esq^r, is joined. [*Passed April 24.*¹

CHAPTER 694.

RESOLVE DIRECTING THE BOARD OF WAR TO FURNISH THE STATE HOSPITAL WITH OATMEAL.

Resolved that the Board of War be and they hereby are directed to deliver to Doct^r Joseph Gardner for the use of the State Hospital in this town, the remainder of several casks of Oatmeal taken on board the Ship Somerset now in their hands. [*Passed April 24.*²

Legislative
Records of the
Council,
xxxix., 214.
Mass.
Archives,
ccxxii., 93.
Mass.
Archives,
ccxxxv., 25.

CHAPTER 695.

RESOLVE ON THE REPRESENTATION OF COL. JOHN ALLAN.

ON THE REPRESENTATION of John Allan, Esq^r, Continental Agent of the Indians in the Eastern department.

Resolved that the Board of War be and they are hereby directed to borrow of the Continental Agent and Commissary in this department, such stores, goods, &c., as they were directed to deliver to said Allan and which are not at present in the public stores of this State. [*Passed April 24.*

Legislative
Records of the
Council,
xxxix., 217.
Mass.
Archives,
ccxxii., 100.
Mass.
Archives,
ccxxii., 101.

CHAPTER 696.

RESOLVE ALLOWING £300 FOR EXPENSES OF A MESSENGER TO PHILADELPHIA.

Resolved that there be paid out of the public Treasury of this State to the person who has been appointed by the Hon^{ble} Council to go express to Philadelphia, the sum of Three hundred pounds, to enable him to prosecute said journey, he to be accountable for the same. [*Passed April 24.*

Legislative
Records of the
Council,
xxxix., 217.
Mass.
Archives,
ccxxii., 102.

CHAPTER 697.

RESOLVE ON THE PETITION OF SAMUEL RUSSELL GERRY, COMMISSARY.

ON THE PETITION of Samuel Russell Gerry, Commissary for the troops stationed at Marblehead.

Resolved that the Committee on Accounts be directed to allow interest at the rate of six per cent per annum on the ballance of the three accounts due to said Gerry, as per settlement, to the time he shall receive said ballance from the Treasury of this State.

Resolved that the Board of War be and are hereby directed to deliver eight barrels of Flour to Samuel Russell Gerry, Commissary for the troops stationed at Marblehead for their immediate use, he to be accountable for the same. [*Passed April 24.*

Legislative
Records of the
Council,
xxxix., 217.
Mass.
Archives,
ccxxii., 103.
Mass.
Archives,
ccxxii., 104;
ccxxxv., 25.

¹ This date is April 22 according to Legislative Records of the Council.

² This date is April 23 according to Legislative Records of the Council.

CHAPTER 698.

RESOLVE ABATING PORTION OF THE TAX ON THE TOWN OF SOUTH-BOROUGH.

Legislative
Records of the
Council,
xxxix., 217.
Mass.
Archives,
ccxxii., 105.

Mass.
Archives,
ccxxii., 106-
107, 110.

[WHER]EAS¹ it appears to this Court that the Town [of South]-borough¹ are overcharged in the last Tax Act [the sum]¹ of £780, by reason that the said town [was] fined the sum of Six hundred pounds for [defi]ciency¹ in not raising six men for filling [up the]¹ fifteen battalions, which men were [actu]ally¹ raised by said town and listed into Col. [Crane's]¹ regiment at Boston; whereby the said town [were]¹ intitled to the Thirty pounds bounty by [the]¹ Resolves of this Court, which amounts to [One]¹ hundred and eighty pounds that is not [allowed]¹ to said town in said Tax Bill:

Resolved that there be and hereby is [abated]¹ to the Town of Southborough, [the]¹ sum of Seven hundred and eighty pounds, [part]¹ of the sum total ordered by the last [Tax]¹ Bill to be paid by said town into [the]¹ public Treasury, and the Treasurer [is]¹ hereby ordered to govern himself [accord]ingly.¹ [*Passed April 24.*

CHAPTER 699.

LETTER TO THE DELEGATES IN CONGRESS.

Legislative
Records of the
Council,
xxxviii., 208.
Mass.
Archives,
clxxxv., 141,
142.

To the Hon^{ble} Samuel Adams, Esq^r, and others, the Delegates in Congress from the State of Massachusetts Bay.

APRIL 1779

Gentlemen,

It is the desire of this State that you make immediate application to Congress that money may be sent as soon as possible to the Loan Office of this State, sufficient to redeem at least Eight hundred thousand dollars of the Emissions of April and May, taken out of circulation by Congress, as may be in the possession of this Government; for we are sorry to say that Resolve has greatly embarrassed our public measures, a very large proportion of those Emissions being possessed by our inhabitants and almost all our public money was of those dates. The consequence is that we are obliged to forego the completion of many important promises which we have much at heart, particularly a Gratuity to our soldiers, which but for this Resolve had long ago been discharged.

We are informed by the Hon^{ble} M^r Holten that Congress had voted One hundred and fifty thousand dollars to this State. Our finances are such and the advances already made and daily making for the Continent so great, that we are constrained to direct you to apply to Congress for a much larger sum, at least, with the sum already granted, to make up Five hundred thousand dollars. Any sum you may obtain you are earnestly desired to send forward by the bearer, M^r Lowell, who is appointed for that purpose, unless a safer conveyance should immediately offer. We intreat no time may be lost in returning him as we hourly suffer for want of the money.

The men we have now voted to fill our part of the army and a regiment for the defence of Rhode Island, we are determined to raise by inlistment, and a very large sum is wanted for their bounties, which we cannot seasonably raise without the assistance

¹ Text supplied from Legislative Records of the Council.

of Congress. We therefore trust our peculiar situation will induce you to exert yourselves that this application may meet with the success we wish.

In the House of Representatives.

Resolved that the President of the Council be requested to sign a fair copy of the foregoing Letter and transmit the same to the Delegates of this State at Congress.

In Council.

Read and concurred. [*Passed April 24.*]

CHAPTER 700.

RESOLVE ALLOWING CONTINENTAL ARMY GRATUITIES TO MARY ALDEN.

Resolved that there be paid out of the public Treasury of this State to Mary Alden, widow of the late Col^o Ichabod Alden, and Administratrix on his estate, One hundred and fifty dollars, it being a gratuity promised to each Field Officer of the Continental Army by a Resolve passed May 1st, 1778; and also the further sum of One hundred and fifty pounds, being part of the sum promised to each Colonel of the Continental Army by another Resolve of the General Court passed the 6th of February last. [*Passed April 26.*]

Legislative
Records of the
Council,
xxxix., 218.
Mass.
Archives,
cexxii., 120.

CHAPTER 701.

RESOLVE ON THE PETITION OF LIEUT. EBENEZER MATTOON.

ON THE PETITION of Lieut. Ebenezer Mattoon, praying for a reimbursement of the sum of Fifty-six pounds, nineteen shillings and four pence, which sum he had paid to thirty-six men belonging to Capt. Lieut. James Furnivall's company of artillery, and also for the allowance of the sum of Five pounds, one shilling and four pence, for his own wages as a Lieutenant in the said company.

Resolved that the prayer of the said Petition be granted, and that the Abstract accompanying the said Petition be presented to the Committee appointed to examine Muster Rolls for their examination and allowance. [*Passed April 26.*]

Legislative
Records of the
Council,
xxxix., 218.
Mass.
Archives,
cexxii., 121.
Mass.
Archives,
cexxii., 122.

CHAPTER 702.

RESOLVE ADJOURNING INFERIOR COURT OF COMMON PLEAS IN BARNSTABLE COUNTY.

WHEREAS the Inferior Court of Common Pleas which by law was to have been held at Barnstable, within and for the County of Barnstable, on the first Tuesday of April instant, was by writ under the hands and seals of two of the Justices of the said Court for reasons set forth in said writ, agreeable to law, adjourned to Tuesday the 18th day of May next; and it being thought convenient that the said Court should be further adjourned into June Term, on account of the frequent alarms in that County from the enemy; and as the Court of General Sessions of the Peace for said County which was to have been holden at Barnstable, within

Legislative
Records of the
Council,
xxxix., 218.
Mass.
Archives,
cexxii., 123.

and for said County of Barnstable, on the said first Tuesday of April instant, by reason of the alarm that happened about that time did not meet and adjourn, by reason of which many inconveniences may arise without the interposition of this Court:

It is therefore

Resolved that the Inferior Court of Common Pleas which by law was to have been held in said County on the first Tuesday of April instant, and which now stands adjourned to the 18th day of May next, be and hereby is adjourned to the last Tuesday in June next; and that all writs, processes and recognizances returnable to, and that all appeals made to the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, appointed by law to have been held at Barnstable on the said first Tuesday of April instant, and all matters, causes or things that have day or that might have had day if the said Court of General Sessions of the Peace had met on the day appointed by law, or that might have been had, moved or done at in or by the said Courts at the time so appointed for holding the same, shall be returnable to and may be entered, prosecuted, had, moved and done at in and by the said Courts at the time appointed for holding the said Courts on the last Tuesday of June next; and the grand and petit jurors who were obliged by law to have attended the said Courts at the said Term on the first Tuesday of April instant, are hereby required to attend at the time appointed on the last Tuesday of June accordingly, and the Secretary is hereby directed to publish this Resolve in the next Thursday's and next Monday's News Papers. [*Passed April 26.*]

CHAPTER 703.

RESOLVE ON THE PETITION OF CAPT. MOSES WHITE.

Legislative
Records of the
Council,
xxxix., 219.
Mass.
Archives,
ccxxii., 125.

Mass.
Archives,
ccxxii., 126.

ON THE PETITION of Capt. Moses White, praying that the Board of War may be ordered to deliver him the gratuities which other officers of the same rank have been intitled to.

Resolved that the Board of War be and hereby are directed to deliver to Capt. Moses White the gratuities which other officers of the same rank in the Continental Army, belonging to this State, have been intitled to by order of this Court and upon the same conditions. [*Passed April 26.*]

CHAPTER 704.

RESOLVE ON THE PETITION OF JAMES FERNALD.

Legislative
Records of the
Council,
xxxix., 219.

ON THE PETITION of James Fernald, of Kittery, praying for allowance for a Gun and Cartridge box that he was ordered by the General to return into the Continental Store, as is set forth in said Petition.

Resolved that the prayer of said Petition be granted, and that there be allowed and paid out of the public Treasury of this State to the said James Fernald, the sum of Nine pounds, in full for his said Gun and Cartridge box, and that the same be charged to the Continent. [*Passed April 26.*]

CHAPTER 705.

RESOLVE ON THE PETITION OF MALACHI ELLIS.

ON THE PETITION of Malachi Ellis, praying he may be allowed the charges he was at by having the Small Pox while in the service of this State.

Legislative
Records of the
Council,
xxxix., 220.

Resolved that there be allowed and paid out of the Treasury of this State to the said Malachi Ellis, the sum of Eighty pounds, in full of his account for charges attending his having the Small Pox as aforesaid. [*Passed April 26.*]

CHAPTER 706.

RESOLVE ON THE PETITION OF SAMUEL BROWN, JUN^r.

ON THE PETITION of Samuel Brown, Esq^r, Agent for receiving Cloathing in the County of Berkshire for the use of the Continental Army, praying for directions respecting said Cloathing.

Legislative
Records of the
Council,
xxxix., 220.
Mass.
Archives,
cexxii., 127.

Resolved that William Pynchon, Esq^r, of Springfield, be and he hereby is authorized and appointed to receive from the said Brown the Cloathing collected in the County of Berkshire, and to forward the same forthwith to William Lyman, Commissary of this State in the Continental Army, and that the said Brown lay his accounts for his service before this Court for payment, any Resolve of this Court to the contrary notwithstanding. [*Passed April 26.*]

Mass.
Archives,
cexxii., 128-
130.

CHAPTER 707.

RESOLVE PERMITTING HENRY GARDNER, ESQ^r, TO OCCUPY PART OF THE PROVINCE HOUSE.

Resolved that the Hon^{ble} Henry Gardner, Esq^r, Treasurer of this State, be and he hereby is permitted to take up and occupy so much of the Province House (so called) as may be necessary for keeping his office and accommodating his family, reserving sufficient room for the Committee who have been appointed to state and settle the accounts of this State, any Resolve of the General Court appropriating said House to other purposes notwithstanding, and that the Treasurer pay a reasonable rent for the same. [*Passed April 27.*]

Legislative
Records of the
Council,
xxxix., 221.
Mass.
Archives,
cexxii., 132.

Mass.
Archives,
cexxii., 133.

CHAPTER 708.

RESOLVE ON THE PETITION OF PETER ROBESHAU.

ON THE PETITION of Peter Robeshaw, of Wrentham, praying that he may have leave to go to his family in Canada.

Resolved that the prayer of said Petition be granted, and that the abovesaid Peter Robeshaw have leave to proceed to Canada by the way of the Lakes, and that he have liberty to carry with him his effects. [*Passed April 27.*]

Legislative
Records of the
Council,
xxxix., 221.
Mass.
Archives,
clxxxv., 116.

CHAPTER 709.

RESOLVE ON THE PETITION OF TIMOTHY PAIGE.

Legislative
Records of the
Council,
xxxix., 222.
Mass.
Archives,
ccxxii., 139.

Mass.
Archives,
ccxxii., 138-
140.

UPON THE PETITION of Timothy Paige, Agent of the estate of Timothy Ruggles, late of Hardwick, in the County of Worcester, Esq^r, an Absentee, setting forth that Brigadier Jonathan Warner, Daniel Warner and John Bradish, have entered into and taken possession of two certain tracts of land in said Hardwick, the one known by the name of Cox Farm, the other by the name of Cooper's Farm, which tracts of land were mortgaged by the said Timothy Ruggles to the said Brigadier Warner, Daniel Warner and John Bradish, as a collateral security for their being jointly and severally bound together with the said Timothy Ruggles to John Borland, late of Cambridge, in the County of Middlesex, Esq^r.

Resolved that the said Jonathan Warner, Daniel Warner and John Bradish shall forthwith deliver to the said Timothy Paige, Agent as aforesaid, the possession of the said two tracts of land, and that this Court will save harmless and indemnify the said Jonathan Warner, Daniel Warner and John Bradish, their respective heirs, executors and administrators, against all damages, costs and charges of every kind whatsoever, which they or either of them may sustain by reason of their being bound as aforesaid to the said John Borland. [*Passed April 27.*]

CHAPTER 710.

VOTE ACCEPTING REPORT ON LETTER OF LIEUT. COL. JONATHAN LOWDER.

Legislative
Records of the
Council,
xxxix., 222.
Mass.
Archives,
clxxxv., 65.

Mass.
Archives,
clxxxv., 63.

THE COMMITTEE of both Houses appointed to consider the letter of Lieut. Col. Jonathan Lowder, of Penobscot, have attended that service and are of opinion that if some of the armed ships belonging to the Continent, or to this State, should at times when they are not employed on more important services, be ordered on short cruises along the Eastern shore, they might probably do an essential service, by capturing the small British cruisers that infest that shore or by obliging them to retire from that quarter. Your Committee cannot devise any other means for the relief of the inhabitants of that part of the State under their present distresses.

B. GREENLEAF per order.

In Council.

Read and accepted.

In the House of Representatives.

Read and concurred. [*Passed April 27.*]

CHAPTER 711.

RESOLVE FOR DETACHING 500 MEN TO SERVE AT RHODE ISLAND.

Legislative
Records of the
Council,
xxxix., 223.
Mass.
Archives,
ccxxii., 134.

Resolved that the Hon^{ble} the major part of the Council be requested to detach from the militia of the Counties of Suffolk, Middlesex, Worcester, Plymouth and Bristol, five hundred men, including proper officers to command the same (having due regard to past services and local situation) and order them without loss of time to march to the State of Rhode Island, and there to do

duty under the Commander-in-Chief of that department until the first day of July next, unless sooner discharged; and that they shall receive such pay and rations as the General Court hereafter shall direct. [*Passed April 27.*]

CHAPTER 712.

RESOLVE IMPOWERING EBENEZER LEARNED, GUARDIAN, TO MAKE SALE OF REAL ESTATE.

ON THE PETITION of Ebenezer Learned, of Oxford, in the County of Worcester, being Guardian to George Robinson, a minor, praying for liberty to sell the estate for reasons set forth in said Petition.

Resolved that the prayer of said Petition be granted and that the said Ebenezer Learned be and he is hereby empowered to sell said estate agreeable to said Petition, for the most the same will fetch; and make and execute a good and lawful deed or deeds of the same, he giving proper security to the Judge of Probate for the County of Worcester, that the money arising by such sale shall be secured for said minor agreeable to the laws in that case provided. [*Passed April 27.*]

Legislative
Records of the
Council,
xxxix., 223.
Mass.
Archives,
cexxii., 135.

Mass.
Archives,
cexxii., 136.

CHAPTER 713.

RESOLVE MAKING AN ADDITIONAL ALLOWANCE TO THE COMMITTEES ON ACCOUNTS AND MUSTER ROLLS.

IN CONSIDERATION of the extraordinary and faithful services of the Committee on Accounts and the Committee on Muster Rolls:

Resolved that there be allowed and paid out of the Treasury of this State to each of the members of said Committees the sum of Nine shillings, in addition to their present established pay, for each and every days service on the Committees aforesaid from May 27, 1778, to May 26, 1779, and the Council are hereby requested to allow their accounts therefor and draw warrants on the Treasury accordingly. [*Passed April 27.*]

Legislative
Records of the
Council,
xxxix., 223.
Mass.
Archives,
cexxii., 137.

CHAPTER 714.

RESOLVE SETTING ASIDE THE VERDICT AGAINST JONATHAN BREWER, ESQ^r, AND GRANTING A NEW TRIAL.

ON THE PETITION of Jonathan Brewer, Esq^r, praying that a verdict given against him at the Superior Court of Judicature, &c., held at Cambridge, in and for the County of Middlesex in October last, for perjury, may be set aside and a new trial of the same issue ordered. Therefore

Resolved that the verdict given against Jonathan Brewer, Esq^r, for wilful perjury at the said Superior Court of Judicature, &c., in October, be and hereby is set aside, and a new trial of the same issue is hereby ordered to be had thereon, upon the said Brewer's paying the cost of the last trial, and giving sufficient security for his personal appearance in and abiding the judgment of the Superior Court of Judicature that may be given upon the new trial. [*Passed April 28.*¹]

Legislative
Records of the
Council,
xxxix., 224.
Mass.
Archives,
cexxii., 167.

Mass.
Archives,
cexxii., 168-
172.

¹ This date is April 27 according to Legislative Records of the Council.

CHAPTER 715.

RESOLVE ON LETTER OF MAJ^R GEN^L GATES RESPECTING INIMICAL PERSONS IN BRISTOL COUNTY.

Legislative
Records of the
Council,
xxxix., 225.
Mass.
Archives,
ccxxii., 162.

Mass.
Archives,
ccxxii., 163-
165.

THE COMMITTEE of both Houses appointed to take into consideration the letter from Gen^L Gates and the papers accompanying the same and report what may be proper to be done thereon, have attended that service and report the following Resolve:

Whereas it is made to appear to this Court that there is a number of evil minded persons living in the County of Bristol and near the sea, that heretofore have and still do hold traitorous and criminal correspondence with the enemies of this and the United States, which may be attended with dangerous and fatal consequences to some of the good people of this State and the army now under the command of Maj^r Gen^L Gates: For the prevention thereof it is

Resolved that Maj^r Gen^L Gates be and he hereby is fully authorised and empowered to call before him any such evil minded traitorous persons (being inhabitants or residents in the County of Bristol) and deal with him or them in such way and manner as to law martial and justice doth appertain, until the further order of the General Court.

Read and accepted and concurred. [*Passed April 28.*]

CHAPTER 716.

RESOLVE ON THE PETITION OF MESSRS. THOMAS AND JOHN FLEET.

Legislative
Records of the
Council,
xxxix., 226.
Mass.
Archives,
ccxxii., 160.

Mass.
Archives,
ccxxii., 161.

ON THE PETITION of Messrs Thomas and John Fleet, praying for a further allowance for printing the Journals and Resolves of the General Court for the last and for the present session, for reasons set forth in said Petition.

Resolved that there be allowed and paid out of the public Treasury of this State to Thomas and John Fleet Ten pounds, ten shillings per sheet for printing the Journals and Resolves of the General Court in the last and in the present session, including the rise of paper and the Five pounds per sheet already granted. [*Passed April 28.*]

CHAPTER 717.

RESOLVE ON THE PETITION OF INHABITANTS OF WEST SPRINGFIELD.

Legislative
Records of the
Council,
xxxix., 226.
Mass.
Archives,
ccxxii., 156.

Mass.
Archives,
ccxxii., 157.

ON THE PETITION of the inhabitants of the Town of West Springfield, in the County of Hampshire, praying for the suspension of an Act passed the last session of the General Court relative to the Fishery in Agawam River; also that a Committee may be appointed to repair to said West Springfield to view their situation relative to said Fishery, &c.

Therefore

Resolved that Capt. Elijah Hunt, Noah Goodman, Esq^r, and Capt. Timothy Clark, be a Committee to repair to said Town of West Springfield at the cost and charge of said town, to view their

situation relative to the Fishery in Agawam River, and report what is proper to be done thereon on the third Wednesday of the first session of the next General Court, and that the Act aforesaid be suspended in the meantime. [*Passed April 28.*]

CHAPTER 718.

RESOLVE IMPOWERING REBECKAH BARTLETT, ADMINISTRATRIX, TO MAKE SALE OF REAL ESTATE.

ON THE PETITION of Rebeckah Bartlett, of Sutton, in the County of Worcester, Administratrix on the estate of John Bartlett, late of said Sutton, deceased, praying for liberty to sell said estate for reasons set forth in said Petition.

Resolved that the prayer of said Petition be granted, and that the said Rebeckah be and she is hereby empowered to sell said estate for the most the same will fetch, and make and execute a good and lawful deed or deeds of the same; she giving proper security to the Judge of Probate for the County of Worcester, that the monies arising by said sale be settled with the said Judge according to the law of said State respecting the settlement of intestate estates. [*Passed April 28.*]

Legislative
Records of the
Council,
xxxix., 226.
Mass.
Archives,
ccxxii., 154.
Mass.
Archives,
ccxxii., 155.

CHAPTER 719.

RESOLVE FOR APPREHENDING JOSEPH DOMETT.

Resolved that the Council of this State be and hereby are requested to issue their warrant to apprehend Joseph Domett, of Boston, gentleman, and him commit to the common goal in Boston aforesaid, as a person dangerous to the liberties of this and the United States of America, according to the law of this State in such case made and provided, his having been admitted to bail by Messrs Pemberton and Gardner, Esq^{rs}, notwithstanding. [*Passed April 28.*]

Legislative
Records of the
Council,
xxxix., 227.
Mass.
Archives,
ccxxii., 150.
Mass.
Archives,
ccxxii., 151,
153.

CHAPTER 720.

APPOINTMENT OF FIELD OFFICERS OF THE 3RD PLYMOUTH COUNTY REGIMENT.

In the House of Representatives.

The House by ballot made choice of the following gentlemen as Field Officers of the third regiment of Militia in the County of Plymouth, viz.

Eliphalet Cary	.	.	.	.	.	.	.	Colonel
Edward Cobb	.	.	.	.	.	.	.	Lieut. Colonel
Abram Washburn	.	.	.	.	.	.	.	first Major
John Ames	.	.	.	.	.	.	.	second Major.

Legislative
Records of the
Council,
xxxix., 227.
Mass.
Archives,
ccxxii., 144.

In Council.

Read and concurred. [*Passed April 28.*]

CHAPTER 721.

RESOLVE FOR THE CONFINEMENT OF ROBERT FOSTER.

Legislative
Records of the
Council,
xxxix., 227.
Mass.
Archives,
ccxxii., 145.

Mass.
Archives,
ccxxii., 146,
147.

Resolved that the Council of this State be and hereby are requested to order the confinement of Robert Foster, an inhabitant of Nova Scotia and a subject of Great Britain, on board the Guardship, or in some other place which they may judge proper for his safe keeping, and as soon as may be send him, together with his wife and children, now in the Town of Kingston, in this State, to Nova Scotia aforesaid on his own expence. [*Passed April 28.*]

CHAPTER 722.

RESOLVE RELATIVE TO THE SUPPORT OF THE MINISTRY IN NEW-BURYPORT.

Legislative
Records of the
Council,
xxxix., 229.
Mass.
Archives,
ccxxii., 174.

Mass.
Archives,
ccxxii., 176.

WHEREAS in and by a law of this State made and passed in the year of our Lord One thousand seven hundred and seventy, intituled an "Act to empower the Inhabitants of the Town of Newburyport belonging to the several Religious Societies within the same to raise Money for defraying Ministerial and necessary Charges," it is among other things enacted, that the proprietors of the respective meeting houses in said Town of Newburyport, determine how much each pew, or part of a pew, in any meeting house within said town, shall pay towards defraying parish charges; whereby some proprietors of pews in said town are obliged to pay towards the support of the ministry in places where they do not attend public worship, contrary to the intent and meaning of said Act:

Therefore

Resolved that no proprietor of any pew, or part of a pew, in any meeting house within said Town of Newburyport, shall be held to pay taxes laid on any such pew for the support of the ministry, or for defraying any other parish charges, unless such proprietor or his family shall in fact attend public worship at the meeting house in which such pew, or part of a pew, is situated.

And whereas doubts have arisen upon the aforesaid Act, whether the non-proprietors of pews in said meeting houses have a right to give their votes in parish affairs, although many of such non-proprietors pay large sums towards the support of the ministry in said Societies:

Therefore be it further

Resolved that all and every person or persons qualified to vote in parish affairs, be and they hereby are fully empowered to give their votes for raising and appropriating monies to be raised for defraying Ministerial and other incidental charges in the Societies where such person or persons usually attend public worship within said Town of Newburyport, any law, usage or custom to the contrary notwithstanding. [*Passed April 29.*]

CHAPTER 723.

RESOLVE ON THE PETITION OF RALPH INMAN.

UPON THE PETITION of Ralph Inman, Esq^r, for a restoration of certain estates to him belonging, now in the hands of the Committee of Correspondence in the Towns of Cambridge and Watertown.

Legislative
Records of the
Council,
xxxix., 145.
Mass.
Archives,
cexxii., 189.

Resolved that whereas the said Ralph Inman, Esq^r, has heretofore undergone an examination before the Court of Enquiry (so styled) formerly appointed by the General Court of this State, and has submitted to their determination respecting him and has also taken the Oath of Allegiance to this State; and whereas it does not appear that the said Ralph Inman, Esq^r, has since done anything injurious to this community or inconsistent with the character of a peaceable good citizen, the Committee of Watertown are hereby directed to reinstate the said Inman on the tenth day of May next (that being the time wherein their lease to the present tenants expires) in the full and peaceable possession of his farm and estate which they have had under their care, he applying for the same.

Mass.
Archives,
cexxii., 191-
201.

And it is further

Resolved that the Committee of Cambridge be and they hereby are directed to restore to the said Inman the full possession of his farm and estate which they have under their care.

And it is further

Resolved that the Committee on Accounts be and hereby are appointed to settle and adjust the accounts of the aforesaid Committees or any other Committees, who may have in their possession and under their care any of the estates of the said Inman, for the rents, profits and income of the said estates, and all the Committees before mentioned are hereby directed to lay before said Committee of this Court their respective accounts for a final adjustment, so that the respective balances of their accounts may be disposed of as this Court may hereafter order.

And it is further

Resolved that any other Committees of Correspondence and Safety in this State, having in their possession any of the estate of the said Inman, are hereby directed to restore to him the same and to settle their accounts with the Committee of this Court before named.

And it is further

Resolved that the said Inman be and he hereby is prohibited from prosecuting any actions or suits at law against the said Committees of Watertown, Cambridge or any other Committee of Correspondence, &c., included in this Resolve, or either of them or any person acting for or under them, for or on account of any doings of theirs that have not been manifestly inconsistent with the true intent and meaning of any Laws, Resolves or Orders of the General Court.

And it is further

Resolved that it does not appear by any Acts or Resolves to have been the intention of the General Court that the Committee of Correspondence of the Town of Boston should have the care and management of the estate of Mr Inman, or any other estate under similar circumstances. [*Passed April 30.*¹

¹ This date is February 26 according to Legislative Records of the Council.

CHAPTER 724.

APPOINTMENT OF CAPT. ALLEN HALLET TO COMMAND THE ACTIVE.

Legislative
Records of the
Council,
xxxix., 231.
Mass.
Archives,
ccxxii., 178.

In the House of Representatives.

The House made choice by ballot of Capt. Allen Hallet to command the armed Brigantine called the Active, lately purchased by the Board of War.

In Council.

Read and concurred. [*Passed April 30.*]

CHAPTER 725.

RESOLVE ON THE PETITION OF DAVID FISHER AND LUCY FISHER.

Legislative
Records of the
Council,
xxxix., 231.
Mass.
Archives,
ccxxii., 186.

Mass.
Archives,
ccxxii., 187,
188.

ON THE PETITION of David Fisher and Lucy, his wife, setting forth that the last will and testament of Dr. Daniel Fisher, late of Wrentham, deceased, was carried off by Foster Hutchinson, Esq^r, late Judge of Probate for the County of Suffolk, with the records of said office, and a copy of said will only remains in their hands; therefore praying that the now Judge of Probate for said County be directed to proceed to settle said estate according to the above-said copy.

Resolved that the prayer of said Petition be granted, and that the Judge of Probate for the County of Suffolk be and he hereby is directed to proceed to settle said estate, agreeable to the above-said copy, the original will and records being absent notwithstanding. [*Passed April 30.*]

CHAPTER 726.

RESOLVE ESTABLISHING WAGES, ETC., FOR THE MEN DETACHED FOR SERVICE AT RHODE ISLAND.

Legislative
Records of the
Council,
xxxix., 232.
Mass.
Archives,
ccxxii., 185.

Resolved that the five hundred men now ordered to be detached from the militia to do duty in the State of Rhode Island until the first day of July next, be allowed the same pay and rations as the Continental Army now have, and over and above that to be allowed and paid by this State to the Lieut. Colonel the sum of Twelve pounds per each calendar month; to the Major the sum of Ten pounds; to each Captain the sum of Eight pounds; to each Lieutenant the sum of Six pounds; and to each non-commissioned officer and private soldier the sum of Twelve pounds.

And it is further

Resolved that the Selectmen of each town from which the detachment is to be made, be and hereby are directed to pay to each non-commissioned officer and private soldier who shall be so detached, the sum of one shilling per mile for their travel and transporting of their packs, and lay their accounts before the General Court for allowance and payment. [*Passed April 30.*]

CHAPTER 727.

RESOLVE ALLOWING £5,000 TO THE COMMITTEE ON ACCOUNTS.

WHEREAS the Committee on Accounts have represented that the money appropriated to pay such accounts as might be by them allowed is expended, and as it is necessary that a further sum be appropriated for that purpose:

Therefore

Resolved that the Hon^{ble} Council be authorised to issue their warrants from time to time on the Treasury of this State, in favour of the Committee appointed by Council to concur in passing and paying accounts, for such sums as they (the said Council) shall judge necessary for the payment of such accounts; provided the amount of such warrants shall not exceed the sum of Five thousand pounds, said Committee to be accountable for the money they shall so receive. [*Passed April 30.*]

Legislative
Records of the
Council,
xxxix., 232.
Mass.
Archives,
ccxxii., 180.

CHAPTER 728.

RESOLVE ON THE PETITION OF JOSHUA HENSHAW, ESQ^R.

ON THE PETITION of Joshua Henshaw, Esq^r, Register of Deeds for the County of Suffolk.

Resolved that he have leave to remove the records of said County from Dedham to any other part of the County on the main road, not nearer than six miles of the Town of Boston. [*Passed April 30.*]

Legislative
Records of the
Council,
xxxix., 232.
Mass.
Archives,
ccxxii., 181.

Mass.
Archives,
ccxxii., 182.

CHAPTER 729.

RESOLVE FOR THE REGULATION OF THE CONTINENTAL COMMISSARY OF PRISONERS' DEPARTMENT.

WHEREAS it is represented to this Court that there is great neglect in the department of the Continental Commissary of Prisoners in this State, and no proper regulation on board the Prison ship in Boston harbour, by which means the prisoners are frequently at liberty to come on shore without restraint, and many of them have been sent on to Rutland without guards or any person to take care of them, all which greatly endangers the public peace and safety and thereby many prisoners escape: Therefore

Resolved that the Hon^{ble} Council be and hereby are requested to take some speedy and effectual measures for the better regulation of said department to prevent the mischiefs which otherwise may ensue. [*Passed April 30.*]

Legislative
Records of the
Council,
xxxix., 232.
Mass.
Archives,
ccxxii., 183.

CHAPTER 730.

RESOLVE DIRECTING WILLIAM PYNCHON, ESQ^R, TO LAY HIS ACCOUNTS BEFORE THE GENERAL COURT.

Legislative
Records of the
Council,
xxxix., 233.
Mass.
Archives,
ccxxii., 184.

Resolved that William Pynchon, Esq^r, who was appointed by a Resolve of this Court of the 26th instant to receive the Cloathing collected in the County of Berkshire from Samuel Brown, Esq^r, Agent for receiving said Cloathing, lay his accounts for the expence attending said service when performed before this Court for payment. [*Passed April 30.*]

CHAPTER 731.

RESOLVE ACCEPTING RESIGNATION OF COL. EZRA WOOD.

Legislative
Records of the
Council,
xxxix., 231.

WHEREAS Ezra Wood, a Colonel of the third regiment of Militia in the County of Worcester, has asked leave to resign his commission:

Resolved that Col^o Ezra Wood be and he hereby is permitted to resign his commission accordingly. [*Passed April 30.*]

CHAPTER 732.

RESOLVE RELATIVE TO THE ESTATE OF WILLIAM BURROUGHS.

Mass.
Resolves,
April sess.,
chap. 107.

WHEREAS a Resolve passed this Court the 27th day of February last admitting the third Church in Roxbury, together with the heirs and residuary legatees mentioned in the will of William Burroughs, late of said Roxbury, deceased, to possess and dispose of certain lands devised in said will on certain conditions, those conditions not being complied with notwithstanding, which may perhaps be attended with unhappy consequences: Therefore

Resolved that the second Wednesday of the next session of the General Court be assigned for a hearing of all the parties concerned in the lands above referred to, and that the executors improve the said lands the present season, and that the Resolve aforesaid be suspended until the further order of the General Court; whereof the executors are to give notice to the several parties by reading to them this Resolve. [*Passed April 30.*]

CHAPTER 733.

RESOLVE FOR RAISING 1,500 MEN TO SERVE IN THE CONTINENTAL ARMY.

Legislative
Records of the
Council,
xxxix., 193.
Mass.
Archives,
ccxxii., 205.

WHEREAS the Hon^{ble} Congress by a Resolve of the 9th of March last have requested this State to fill up the fifteen battalions as our quota of the Continental Army, representing at the same time that there is great reason to expect that this campaign, if successful, will be the last: Therefore

Mass.
Archives,
ccxxii., 208-212;
ccxxiii., 249;
ccxxiv., 42.

Resolved that fifteen hundred men be immediately raised by enlistment within this State to serve in the Continental Army during the remainder of the present war; and every able bodied

effective man who is disposed to engage in his country's cause and join those heroes who are now in the field, and share with them in the honor of giving the finishing stroke to British tyranny in America, shall receive for their encouragement, on passing muster before the Muster Master of either of the Counties, the sum of Three hundred dollars (being a bounty of One hundred dollars from this State and Two hundred from the Continent) and a further sum of Two hundred dollars within six months from that time, unless sooner discharged from said service, as a bounty in addition to the Continental pay and Cloathing; and for the further encouragement of such who may inlist: It is

Resolved that they shall be supplied with slop stores in camp as other Continental soldiers belonging to this State, and their families, if any they have, shall be supplied as the families of other Continental soldiers of this State, and their Continental pay made good to them, agreeable to a Resolve of the General Court passed the 6th day of February last; and that neither of the aforesaid bounties shall be taken into consideration at the time of making good such pay but they shall be considered as gratuities.

And the several Brigadiers or commanding officer of the Brigade shall forthwith issue their orders to the officers of their Brigades respectively, requiring them to inlist men according to these Resolves and turn them over to the recruiting officers, upon which said Militia officers shall be intitled to receive Ten dollars for every man they shall so inlist, provided they shall pass muster; and said Brigadiers or commanding officers of Brigades shall also forthwith appoint some suitable officer or officers of their Brigades, whose business it shall be to exert themselves to recruit men in their respective Brigades, and to receive the soldiers which may be inlisted by the other Militia officers and cause them to be mustered before the County Muster Master and make return of the men to their respective Brigadiers once every ten days; and they shall also receive Ten dollars for every man they shall themselves inlist, and also a suitable reward for their time and necessary expences. And said Brigadiers or commanding officers of Brigades shall cause the men so inlisted and mustered to be marched under such officers as they shall severally appoint to Springfield in this State, and there to be delivered over to the Commissioner, which the Council are hereby requested to appoint to receive them, taking his receipt, and said men shall be annexed to such regiments and companies in the Continental Army as they shall choose, till said companies and regiments are compleated; and said Brigadiers shall make return of their doings to Council once in fourteen days, and lay their accounts of time and expences before the General Court for allowance and payment.

And it is further

Resolved that the Selectmen of the several towns shall pay to each man so inlisted in their respective towns on his passing muster, one shilling per mile as mileage and for transporting his baggage from the place of his residence to Springfield in this State by the nearest route, taking receipts for the same, and lay their accounts before the General Court for allowance and payment, said Town of Springfield to be considered as ninety-seven miles from Boston; the said Selectmen to be allowed interest for the money they shall advance or borrow for the above purpose.

Resolved that the form of the Inlistment shall be as follows, viz.

We the subscribers do severally inlist ourselves as soldiers in the fifteen battalions raised by this State to serve in the Continental Army during the remainder of the present War; and we do severally promise to march and join the Continental Army when ordered,

and there faithfully to observe and obey such orders as we shall from time to time receive from the Officers that are or may be appointed over us, and be subject to such Regulations as are provided for the Continental Army. Dated this day of 1779.

And the Secretary is hereby directed to cause a suitable number of copies of these Resolves to be printed and forthwith sent to the several Brigadiers or commanding officers of Brigades within this State. [*Passed May 1.*¹

CHAPTER 734.

VOTE ACCEPTING REPORT ON LETTER FROM MAJ. GEN^L GATES.

Legislative
Records of the
Council,
xxxix., 221.
Mass.
Archives,
ccxxii., 216.
Mass.
Archives,
ccxxii., 246.

THE COMMITTEE of both Houses appointed to consider the letter this day received from the Honorable Maj. Gen^L Gates, &c., have attended that service, and report as their opinion that the regiment ordered to be raised by this State by inlistment and the five hundred men ordered to be detached will be sufficient for the present.

Which is humbly submitted.

A. WARD *p* order.

In Council.

Read and accepted.

In the House of Representatives.

Read and concurred. [*Passed May 1.*²

CHAPTER 735.

VOTE ACCEPTING REPORT ON PETITION OF COL. BERIAH NORTON.

Legislative
Records of the
Council,
xxxix., 227.
Mass.
Archives,
ccxxii., 215.
Mass.
Archives,
clxxxv., 157.

THE COMMITTEE of both Houses appointed upon the Petition of Col^o Beriah Norton, having attended the business assigned them, heard said Norton in his own defence, are clearly of opinion that said Norton's giving a permit to Bartlett Allen on the 8th of April instant to go to Newport from Martha's Vineyard in a flag, was against the law and authority of this government; but considering the political character of the said Col^o Norton, his firm attachment to the interest of America, and that his giving said permit was only to supply the pressing necessity of a great number of starving inhabitants of the Island of Martha's Vineyard and not for any private emolument; your Committee are of opinion that all further censure should at this time be suspended, and that the said Col^o Beriah Norton be hereby informed that any such proceedings in future will be condemned and punished; but that the General Assembly will at all times attend to any reasonable application from the inhabitants of the said Island of Martha's Vineyard as equity and justice shall require.

Which is Submitted

MOSES GILL *p* order.

Read and accepted and concurred. [*Passed May 1.*³

¹ This date is April 15 according to Legislative Records of the Council.

² This date is April 27 according to Legislative Records of the Council.

³ This date is April 28 according to Legislative Records of the Council.

CHAPTER 736.

RESOLVE DIRECTING AGENTS OF ABSENTEES' ESTATES TO WARN OCCUPANTS TO LEAVE.

WHEREAS it has been represented to this Court that there are several Agents for the estates of Absentees who are not able fully to comply with the Resolves of the General Court relative to the leasing said estates, by reason that those who are in possession of them refuse to give possession to the persons who have hired them agreeable to the Order of the Court: Therefore

Legislative
Records of the
Council,
xxxix., 234.
Mass.
Archives,
ccxxii., 219.

Resolved that the Agents be and they hereby are directed to warn the present possessors to leave the premises within ten days from the time of warning; and in case they refuse and insist on keeping possession, the Sheriffs, their Under-Sheriffs or Constables, within their several districts, are hereby directed and empowered to go with the Agent and put the lessee into full and quiet possession of the premises by them hired, agreeable to the Order of the General Court. [*Passed May 1.*]

CHAPTER 737.

RESOLVE IMPOWERING OLIVE STOW, GUARDIAN, TO MAKE SALE OF REAL ESTATE.

WHEREAS Olive Stow, of Concord, in the County of Middlesex, widow of the late Joseph Stow of said town, and guardian to two children, the only heirs to the estate of which the said Joseph Stow died seized, in her Petition has represented to this Court that it will be for the advantage of the heirs aforesaid to exchange a certain part of the lands belonging to the estate aforesaid for another piece or parcel of land belonging to Edward Flint, of said town, yeoman: Therefore

Legislative
Records of the
Council,
xxxix., 234.
Mass.
Archives,
ccxxii., 220.
Mass.
Archives,
ccxxii., 221.

Resolved that the aforesaid Olive Stow be and she is hereby authorised and empowered in her said capacity to execute a good and sufficient deed of the lands mentioned in the said Petition, now belonging to the estate of which the aforesaid Joseph Stow died seized, to the aforesaid Edward Flint, his heirs and assigns, upon his executing to the heirs aforesaid, their heirs and assigns, a good and sufficient deed of the land mentioned in said Petition, now belonging to the said Edward Flint; to be inherited by them in the same manner as though the said land belonged to the estate of which their father died seized, and that such deeds when so executed shall be deemed and held good and valid in law to all intents and purposes. [*Passed May 1.*]

CHAPTER 738.

RESOLVE DIRECTING THE BOARD TO DELIVER BEEF AND FLOUR TO NATHANIEL FREEMAN, ESQ^r.

Resolved that the Board of War be and they are hereby directed to deliver to Nathaniel Freeman, Esq^r, six barrels of Flour and four barrels of Beef for the use of Jabez Meigs, the Commissary appointed to supply the troops ordered to be raised and stationed

Legislative
Records of the
Council,
xxxix., 236.

Mass.
Archives,
ccxxii., 226.

Mass.
Archives,
ccxxxv., 26.

at Falmouth, in the County of Barnstable, which the said Freeman is directed to deliver to the said Commissary to enable him to subsist the said troops accordingly, he to be accountable to this State for the same. [*Passed May 1.*]

CHAPTER 739.

APPOINTMENT OF FIELD OFFICERS OF THE 5TH MIDDLESEX COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxix., 237.
Mass.
Archives,
ccxxii., 231.

In the House of Representatives

The House by ballot made choice of the following gentlemen as Field Officers of the fifth regiment of Militia in the County of Middlesex, viz.

Abner Perry	.	.	.	.	.	.	.	Colonel
John Trowbridge	.	.	.	.	.	.	.	Lieut. Colonel
Aaron Gardner	.	.	.	.	.	.	.	first Major.

In Council

Read and concurred. [*Passed May 1.*]

CHAPTER 740.

RESOLVE ON THE PETITION OF JOSEPH DOMETT.

Legislative
Records of the
Council,
xxxix., 237.
Mass.
Archives,
ccxxii., 232.

Resolved that the said Domett be immediately removed from the apartment where he now is in Mr Otis's house to one of the upper rooms in the common goal, and that his wife (if she chooses) be allowed to attend him; provided she shall not depart from the place of his confinement without leave first obtained from the Honorable Council.

Also

Resolved that his physician, Dr. Bulfinch, be permitted to visit him under his present indisposition, and also that he be allowed to consult such counsel as the Council of this State shall approve. [*Passed May 1.*]

CHAPTER 741.

RESOLVE ALLOWING £838. 5^s TO NATHANIEL GORHAM AND EBENEZER WALES, ESQ^{ES}.

Legislative
Records of the
Council,
xxxix., 238.
Mass.
Archives,
ccxxii., 233.

Mass.
Archives,
ccxxii., 234.

Resolved that there be allowed to Nathaniel Gorham and Ebenezer Wales, Esq^{ES}, who were appointed a Committee to repair to the Southern States, the sum of Eight hundred and thirty-eight pounds, five shillings, in full for their time and expences while engaged in said service; and that they pay to the Treasurer of this State the sum of One hundred and sixty-one pounds, fifteen shillings, and take his receipt for the same, which shall be their discharge for the balance remaining in their hands of One thousand pounds, which they received out of the Treasury to enable them to perform said service. [*Passed May 1.*]

CHAPTER 742.

RESOLVE ALLOWING £1,419. 18^s 10^d TO THE COMMITTEE FOR FORTIFYING BOSTON HARBOUR.

Resolved that there be allowed and paid out of the public Treasury to the late Committee for fortifying the harbour of Boston the sum of Fourteen hundred and nineteen pounds, eighteen shillings and ten pence, to discharge a balance due from said Committee to Col^o Ebenezer Thayer, said Committee to be accountable for the same. [*Passed May 1.*]

Legislative
Records of the
Council,
xxxix., 238.
Mass.
Archives,
ccxxii., 217.

CHAPTER 743.

RESOLVE ON THE PETITION OF LIEUT. ANDREW GILMAN.

ON THE PETITION of Andrew Gilman, praying for an order on the Commissary General for the back rations due to an Ensign and twenty men who were stationed at Penobscot River, and who did duty there from the 22nd of January to the 7th of February, 1778, being fifteen days, which rations he the said Gilman hath supplied out of his own stores, and that he the said Gilman may have leave to make out a pay roll for the aforesaid Ensign and twenty men for the time aforesaid.

Legislative
Records of the
Council,
xxxix., 238.
Mass.
Archives,
ccxxii., 235.
Mass.
Archives,
ccxxii., 237,
238.

Resolved that the Commissary General be and hereby is directed to deliver to Lieut. Andrew Gilman 330 lb. of Flour, 412 lb. of Beef, 41 quarts of Peas, 41 pints of Rice, 330 quarts of Beer or Molasses equivalent, 16 lb. of Butter, 7 lb. of Soap, 2 gallons and 3 quarts of Vinegar, if to be had.

And it is further

Resolved that said Gilman make up his pay roll for the aforesaid Ensign and twenty men, and lay it before the Committee on pay rolls for examination and allowance. [*Passed May 1.*]

CHAPTER 744.

RESOLVE FOR FURNISHING COL. THOMAS CHASE, D. Q. M. G., WITH TEAMS.

ON THE PETITION of Col^o Thomas Chase, praying for assistance to procure ten teams to convey Fire Arms to Springfield.

Resolved that the Selectmen and Committees of the several towns hereafter named be and they are hereby required upon the application of Col^o Chase, Deputy Quarter Master General, immediately to procure the number of teams set against said towns in the following schedule, viz.

Legislative
Records of the
Council,
xxxix., 239.
Mass.
Archives,
ccxxii., 239.
Mass.
Archives,
ccxxii., 240.

Milton . . . 2; Braintree . . . 2; Stoughton . . . 2; Stoughtonham . . . 2.

It is further

Resolved that if the Selectmen and Committees of any Town abovenamed shall neglect or refuse to furnish the Deputy Quarter Master General with the number of teams assigned them, upon his requesting the same and paying each teamster at the time of his receiving the load 12^s/ per mile to the place assigned him to carry the load, that said town or towns where the Selectmen or

Committees so neglecting or refusing belong shall be taxed double the sum of such deficient team in the next Tax Act.

And it is further

Resolved that each teamster as soon as may be after he has performed said service, exhibit an account of his time and expences over and above 12^s/ per mile to the Committee on Accounts for adjustment and payment, and it is hereby recommended to the Selectmen of the Towns of Sudbury, Worcester, Weston and Springfield, to provide forage for the abovementioned teams, the teamster paying a reasonable price for the same. [*Passed May 1.*]

CHAPTER 745.

RESOLVE DIRECTING AGENTS OF ABSENTEES ESTATES, ETC., TO PAY MONIES COLLECTED INTO THE TREASURY.

Legislative
Records of the
Council,
xxxix., 239.
Mass.
Archives,
cexxii., 241.

WHEREAS by a Resolve of this Court passed the 19th of February last, the Agents who have been appointed on the estates of Absentees, the Committees of Correspondence, &c., and the Committee of Sequestration where no Agents have been appointed, were directed to lease out the several estates under their care at public auction and pay the monies arising from such sale into the Treasury and no appropriation being made of said money: Therefore

Resolved the Treasurer of this State be and he hereby is directed to call on said Agents and Committees to pay in said money without delay, agreeable to said Resolve, and the Treasurer aforesaid is further directed to pay out said money in discharge of warrants drawn on him for the gratuities to that part of the Continental Army raised in this State, and to give the preference to Mr William White, who is now waiting to receive the gratuities for the regiment lately commanded by Col^o Alden, now at Cherry Valley. [*Passed May 1.*]

CHAPTER 746.

RESOLVE ESTABLISHING WAGES, ETC., FOR MILITIA WHICH HAVE BEEN DETACHED OR THAT MARCHED ON AN ALARM.

Legislative
Records of the
Council,
xxxix., 240.
Mass.
Archives,
cexxii., 218.

WHEREAS detachments have been made from the Militia of this State for which no establishment for their pay has been made, nor for certain parts of said Militia which have marched upon an alarm:

Therefore

Resolved that there be allowed and paid out of the public Treasury of this State to each Brigadier General Thirty-five pounds; to each Colonel Fifteen pounds; to each Lieut. Colonel Thirteen pounds, ten shillings; to each Major Twelve pounds; to each Captain Ten pounds; to each subaltern Nine pounds; and to each non-commissioned officer and private soldier Eight pounds; for each calendar month, in addition to the Continental pay and rations, who have been detached or have marched upon an alarm, or have turned out in the capacity of volunteers, and have regularly done duty in any part of this State or the State of Rhode Island, and for which no establishment has been made and did not leave the service till regularly dismissed. [*Passed May 1.*]

CHAPTER 747.

RESOLVE ON THE PETITION OF NEHEMIAH SOMES.

ON THE PETITION of Nehemiah Somes, setting forth that on the 26th of April, 1777, he was agent and part owner of a Privateer called the Active, then manned and ready for sea; but in consequence of an application for and agreement with this State to have said vessel join the fleet under command of Capt. Manley, agreeable to a Resolve for said purpose, by the first of May, the said Active lay in the Road until the 21st before the other vessels were ready. The peculiar circumstances of the aforesaid vessel was the occasion of an application to the Hon^{ble} Council for an order on the Board of War for two barrels of Pork, one barrel of Beef and three hundred weight of Bread, which was but a small part of the provisions expended. The Board of War being in some doubt whether they can discharge said account against the agent of said Schooner Active without an order from this Court: Therefore

Resolved that the Board of War be and are hereby directed, to discharge the said Nehemiah Somes, agent for said Schooner Active, from the aforesaid provisions amounting to the sum of Sixty-four pounds. [*Passed May 1.*]

Legislative
Records of the
Council,
xxxix., 240.
Mass.
Archives,
cxxxii., 243.
Mass.
Archives,
cxxxii., 241.

CHAPTER 748.

RESOLVE GRANTING LOTTERIES FOR REPAIRING LONG WHARF AND WIDENING STREETS IN CHARLESTOWN.

WHEREAS James Russell, Esq^r, and others have petitioned this Court that a Lottery may be granted to raise a sum of money to amend and widen the streets in the Town of Charlestown; and Mr Benjamin Waldo and others have petitioned this Court for liberty to raise a sum of money in the like way and manner to repair the Long Wharf, so called, in the Town of Boston; and as both requests appear well founded and reasonable: Therefore

Resolved that Lotteries be granted for both the above purposes, to be for such sums and to be managed by such persons as the General Court of this State shall hereafter order; neither of said Lotteries to commence till the present State Lottery shall be finished. [*Passed May 1.*]

Legislative
Records of the
Council,
xxxix., 241.
Mass.
Archives,
cxxxii., 248.
Mass.
Archives,
cxxxii., 249
251.

CHAPTER 749.

RESOLVE ON THE PETITION OF JAMES WILSON AND OTHERS.

WHEREAS it appears by the Petition of James Wilson and others, of Stockbridge, and Reuben Sheldon and others, of Lenox, in the County of Berkshire, with the papers accompanying the same, that many of the inhabitants of the towns in said County are by their Conventions and Resolves assuming an authority utterly subversive of the present legislative authority of this State, the liberties and safety of the community at large, and to the great detriment of many of the good people of said towns:

Therefore

Resolved that all such proceedings in any of the towns in the

Mass.
Resolves,
April sess.,
chap. 124.

County aforesaid have a tendency to anarchy and the utter subversion of government and ought to be discountenanced and suppressed.

And it is further

Resolved that all such inhabitants who are for maintaining and supporting the laws and good government of this State ought to be encouraged and supported by every well-wisher and friend to his country, and that the further consideration of the said Petition and papers accompanying the same be referred to the next sitting of the General Court. [*Passed May 1.*]

CHAPTER 750.

VOTE ACCEPTING RESIGNATION OF COL. JOHN DAGGET.

Legislative
Records of the
Council,
xxxix., 236.
Mass.
Archives,
ccxxii., 227.

Mass.
Archives,
ccxxii., 228-
230.

THE COMMITTEE of both Houses appointed upon the Petition of Col^o John Dagget, having examined into the facts set forth therein, are of opinion that the said Col^o John Dagget, during his command as Colonel of the 4th regiment of Militia in the County of Bristol, has conducted as a faithful and experienced officer; but for the reasons set forth in said Petition your Committee are of opinion that the resignation of his commission ought to be accepted.

Which is submitted.

MOSES GILL per order.

In Council.

Read and accepted.

In the House of Representatives

Read and concurred. [*Passed May 1.*]

CHAPTER 751.

RESOLVE ON THE REMONSTRANCE OF CAPT. JOSEPH GUILBAUD.

Legislative
Records of the
Council,
xxxix., 240.
Mass.
Archives,
ccxxii., 316.

Mass.
Archives,
ccxxii., 310-
316.

UPON THE REMONSTRANCE of Joseph Guilbaud, master and owner of the Schooner Charlotta, taken by the armed Schooner Hornet, commanded by Nathaniel Reynolds, praying for the interposition of government in his case.

Resolved that the said Joseph Guilbaud, or his attorney, serve Nathaniel Reynolds, commander of the Schooner Hornet, or his owners, with a copy of his remonstrance and this Order that they may shew cause (if any they have) on the second Tuesday of the first session of the next General Court why it should not be granted. [*Passed May 3.*]

CHAPTER 752.

RESOLVE ON THE PETITION OF DAVID SHEPARD.

Legislative
Records of the
Council,
xxxix., 229.
Mass.
Archives,
ccxxii., 143.

Mass.
Archives,
ccxxii., 141.

THE COMMITTEE of both Houses on the Petition of David Shepard, in behalf of the Town of Murrayfield, praying that a bridge may be built over Westfield river near the mills in Norwich, in the County of Hampshire, report that the prayer of the Petition ought to be granted, and that the expence of building said bridge ought to be defrayed by the original Proprietors of the said Town of Murrayfield, viz. Timothy Payne, John Chandler, John Murray

and Abijah Willard, Esq^r; they having received a grant of twelve hundred acres of unappropriated lands, then lying near the said Town of Murrayfield, as a compensation for building bridges in said Murrayfield and other public services, which they never have done or performed, and that the petitioners have liberty to bring in a Bill for that purpose at the next sitting of the General Court.

All which is submitted.

TIM^o DANIELSON per order.

In Council.

Read and accepted.

In the House of Representatives.

Read and concurred. [*Passed May 3.*]

CHAPTER 753.

VOTE ACCEPTING REPORT RELATIVE TO APPOINTMENT OF A STATE CLOTHIER.

THE COMMITTEE appointed upon the letter of the Hon^{ble} John Jay, Esq^r, President of Congress, of the 7th instant, having considered the same, ask leave to report as their opinion that it will be expedient for this Court to appoint as soon as may be a State Clothier, whose business it shall be to reside with or near the troops of this State belonging to the Continental Army, the better to know and supply their wants, to be subject to such rules and regulations and to do the duties pointed out by a Resolve of Congress of the 23^d of March last.

Which is submitted.

MOSES GILL p^r order.

In Council.

Read and accepted.

In the House of Representatives.

Read and concurred. [*Passed May 3.*¹]

CHAPTER 754.

RESOLVE DIRECTING THAT ALL MONIES PAID FOR SERVICE RENDERED FOR THE UNITED STATES BE CHARGED TO THAT ACCOUNT.

Resolved that the Committee for stating accounts be and they hereby are directed to charge to the United States all the monies paid by order of the General Assembly of this State for services performed for the said States, distinguishing that part which was agreeable to the establishment of Congress from the additional pay of this State.

And whereas it is difficult in many instances to determine what services were performed for the United States in general from those which were done for this State in particular:

Resolved that a member of this Court be added to the above-mentioned Committee and that George Partridge, Esq^r, be appointed for this purpose, the whole of the Committee to continue in this business till the 20th of June next. [*Passed May 3.*²]

¹ This date is April 22 according to Legislative Records of the Council.

² This date is April 27 according to Legislative Records of the Council.

Legislative
Records of the
Council,
xxxix., 213.
Mass.
Archives,
ccxxii., 284.

Mass.
Archives,
cc., 339.

Legislative
Records of the
Council,
xxxix., 222.
Mass.
Archives,
ccxxii., 281.

CHAPTER 755.

RESOLVE RELATIVE TO COL. BENJAMIN HAWES' 4TH SUFFOLK COUNTY REGIMENT.

Legislative
Records of the
Council,
xxxix., 234.
Mass.
Archives,
ccxxii., 294.

Mass.
Archives,
ccxxii., 297-
305.

WHEREAS Col^o Benjamin Hawes, commander of the fourth regiment of Militia in the County of Suffolk, has requested leave to resign his command of said regiment, on account of the unorganized state thereof and other disorders subsisting therein, and whereas it appears that Col^o Hawes has conducted as a good officer, which conduct this Court highly approve: Therefore

Resolved that Col^o Benjamin Hawes still retain his command of the aforesaid regiment, and that he shall be properly supported in the execution of his office.

Resolved that the several companies in the aforesaid regiment be still ranked according to the Resolve of September 24th, 1777, respecting that matter.

Resolved that if any of the companies in the regiment aforesaid shall still continue to be destitute of proper officers according to the mode pointed out in the Militia Law of this State, in such case the Field Officers shall nominate to the Council suitable persons to be commissioned as Captains and subalterns of such company; and in case such persons as shall be nominated by the Field Officers shall neglect or refuse to take the command of such company according to law, in such case the commanding officer of the regiment shall be and hereby is authorised and empowered to give his orders from time to time to any person he shall judge suitably qualified to execute such orders and living within the limits of such company; and any person to whom such orders shall be given who shall neglect or refuse to obey and execute the same, shall forfeit and pay to the use of any person who shall prosecute and sue for the same, the sum of Twenty pounds, to be recovered as fines and forfeitures are recoverable by the Militia Laws of this State; and all persons belonging to any such company shall be and hereby are required to obey all lawful orders given in consequence of orders from the commanding officers of the regiment, under the same pains and penalties as would be incurred if the person giving such orders was the Captain of such company.

Resolved that although the Town of Walpole had no right to interrupt the commissioned officers in said town in the execution of their office, as represented by said officers, but only to aid and assist them, yet said officers are to consider themselves as holden to do the duty of their respective offices till they shall have leave to resign upon application made to this Court or the Council.
[Passed May 3.¹

CHAPTER 756.

RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO SETTLE WITH LEVI SHEPHARD, ESQ^r, COMMISSARY.

Legislative
Records of the
Council,
xxxix., 236.
Mass.
Archives,
ccxxii., 306,
307.

UPON THE MEMORIAL of the Committee for stating Accounts with respect to the account of Levi Shephard, Esq^r, Commissary for the Southern Army.

Whereas it appears that the account exhibited by Levi Shephard, Esq^r, and the money paid into the Treasury for the neat proceeds of goods sent to him, amounts to about the price of said goods and the charge of transportation, at the regulating price set by the Court:

¹ This date is May 1 according to Legislative Records of the Council.

Therefore

Resolved that the Committee for stating Accounts be and they hereby are directed to settle with the said Shephard according to the best light they can get and discharge him accordingly, he making oath that the accounts exhibited are just and true, and the money paid is the amount of what was received by him for the several articles on account of this State, according to the best of his knowledge and belief, as has been usual in such cases. [*Passed May 3.*¹

CHAPTER 757.

RESOLVE DIRECTING THAT CLOTHING BE FURNISHED TO OFFICERS UNDER COMMAND OF LIEUT. COL. PAUL REVERE.

Resolved that the Board of War be and they hereby are ordered and directed to furnish the officers now belonging to the three companies under the command of Lieut. Col^o Paul Revere, with the same Cloathing and on the same terms, which officers of equal rank in the regiment lately under the command of Col^o Thomas Crafts were intitled to by a Resolve of this Court of the 16th of October, 1778. And be it also

Resolved that the Hon^{ble} Council be and hereby are desired to appoint Dr. Joseph Whipple to be the Surgeon of said companies. [*Passed May 3.*¹

Legislative
Records of the
Council,
xxxix., 237.
Mass.
Archives,
ccxxii., 253
Mass.
Archives,
ccxxii., 254.

CHAPTER 758.

RESOLVE DIRECTING MANAGERS OF THE STATE LOTTERY TO CONTINUE SELLING THIRD CLASS TICKETS UNTIL MAY 20, 1779.

Resolved that the Managers of this State's Lottery be and they hereby are directed to proceed in the sale of the tickets in the Third Class of said Lottery until the twentieth instant, unless the tickets are sooner disposed of; and should any tickets remain unsold on said day in the hands of such persons with whom they have been lodged for sale, such persons shall seal them up in the presence of some Justice of the Peace, who is hereby required to certify on the outside of the paper inclosing said tickets, the number of tickets inclosed as also the number of each ticket; and the persons possessed of such tickets shall return them to some one of the Managers without delay, who are hereby directed to return them, together with any they have on hand, into the Treasurer's office of this State, taking his receipt for the same, and proceed to drawing said Third Class without delay. [*Passed May 3.*

Legislative
Records of the
Council,
xxxix., 242.
Mass.
Archives,
ccxxii., 245.

CHAPTER 759.

RESOLVE ON THE PETITION OF WILLIAM BAKER.

IN CONSIDERATION of the faithful services of Mr William Baker, Messenger to this Court:

Resolved that the Board of War be and they hereby are directed to furnish him with a suit of clothes suitable for the summer season, to consist of a coat, waistcoat and breeches. [*Passed May 3.*

Legislative
Records of the
Council,
xxxix., 242.
Mass.
Archives,
ccxxii., 267.
Mass.
Archives,
ccxxii., 268.

¹ This date is May 1 according to Legislative Records of the Council.

CHAPTER 760.

RESOLVE ADJOURNING THE SUPERIOR COURT IN BARNSTABLE COUNTY.

Legislative
Records of the
Council,
xxxix., 242.
Mass.
Archives,
ccxxii., 286.

WHEREAS it is found expedient that the time of the sitting of the Superior Court at Barnstable should be altered from the Wednesday next following the second Tuesday of August next to the fourth Tuesday of August next:

Wherefore it is

Resolved that the Superior Court of Judicature, Court of Assize and General Goal Delivery, which by a Resolve passed the General Court on the twenty-fourth day of February last is to be holden at Barnstable within the County of Barnstable and for the Counties of Barnstable and Dukes County, on the Wednesday next following the second Tuesday in August next, shall be holden at said Barnstable within the County of Barnstable and for the Counties of Barnstable and Dukes County, on the fourth Tuesday of August next; and all appeals, writs of review, recognizances, warrants and other processes, already issued or taken, or which may be hereafter issued or taken, or depending in the said Counties of Barnstable or Dukes County, which were to have been returned and proceeded upon on the said Wednesday next following the second Tuesday of August at said Barnstable, shall be valid and stand good to all intents and purposes in law, and shall be returned and proceeded upon at the time appointed by this Resolve for holding said Court. [*Passed May 3.*]

CHAPTER 761.

RESOLVE FOR FINING TOWNS THAT FAIL TO MAKE RETURNS OF THEIR QUOTAS IN THE CONTINENTAL ARMY BEFORE JUNE 15, 1779.

Legislative
Records of the
Council,
xxxix., 243.
Mass.
Archives,
ccxxii., 287.
Mass.
Archives,
ccxxiii., 288.

WHEREAS it appears to this Court that the Militia Officers, Selectmen and Committees of Safety, &c., of the several towns in the County of Lincoln, have neglected or refused to comply with the Resolves of this Court requiring them to make returns of the men they have inlisted as their quotas of the Continental Army, notwithstanding the repeated requisitions of this Court for that purpose:

Therefore

Resolved that if any of the Militia Officers or Selectmen of any town or Committees of Correspondence, &c., of any plantation in the County of Lincoln (or any other town in any other County in this State) shall neglect or refuse to make proper returns of the names and number of men inlisted as aforesaid, agreeable to the requirement of the Resolves of this Court relative thereunto, on or before the fifteenth day of June next, they shall forfeit the sum of One hundred pounds, and have the same added to their town in their next State Tax accordingly, and the sum of Fifty pounds monthly during the continuance of such neglect or refusal, and have it added in the same manner to their next State Tax.

And it is further

Resolved that the Secretary be and he hereby is directed forthwith to furnish the Brigadier of the County of Lincoln with a sufficient number of copies of this Resolve and the Resolves to which it relates, who is directed to convey them as soon as may

be to the Selectmen or commissioned officers of the several towns in said County; and that the Secretary be directed to send a copy to the commanding officer or Selectmen of any other town that may be deficient in their returns. And it is further

Resolved that the Committees appointed for settling disputes between the towns in the several Counties respecting their quotas of men in the Continental Army, be and they are hereby directed to meet at the State House in Boston on the eighteenth day of June next, then and there to proceed on the business for which they were appointed by the Resolve of the 17th of June last, and make returns of their doings into the Secretary's office on or before the tenth day of July next. [*Passed May 3.*]

CHAPTER 762.

RESOLVE DIRECTING TOWNS TO CONTINUE TO PROVIDE FOR THE POOR OF CHARLESTOWN.

WHEREAS it appears that the Orders of the General Court respecting the poor of Charlestown have not been duly observed by several towns where said poor are or have been:

Therefore

Resolved that every town in this State where any of the poor of Charlestown now are be directed, and they are hereby directed to make such provision for said poor as they may stand in need of, and lay their accounts before this Court for allowance.

And be it further

Resolved that if any town shall presume in opposition to the Orders of this Court to send the said poor into the town of Charlestown (as some have lately done) that the Selectmen of Charlestown be directed to return the name of the town or Selectmen that so conduct, that such Order may be taken thereon as the nature of the case may require. [*Passed May 3.*]

Legislative
Records of the
Council,
xxxix., 244.
Mass.
Archives,
ccxxii., 289.
Mass.
Archives,
ccxxii., 290.

CHAPTER 763.

APPOINTMENT OF CAPT. JONAS HOWARD AS MUSTER MASTER.

In the House of Representatives.

The House made choice of Capt. Jonas Howard as a Muster Master for the County of Middlesex, in the room of Col^o Barret deceased.

In Council

Read & Concurred. [*Passed May 3.*]

Legislative
Records of the
Council,
xxxix., 244.
Mass.
Archives,
ccxxii., 292.

CHAPTER 764.

RESOLVE IMPOWERING THE TREASURER TO PROSECUTE AGENTS OF ABSENTEES' ESTATES, ETC., THAT NEGLECT TO PAY IN RENTS, PROFITS, ETC.

Resolved that the Treasurer of this State be and he hereby is empowered and directed to call on all Agents who have been appointed on the estates of Absentees, and all Committees of Correspondence, &c., who have such estates in their hands, to pay

Legislative
Records of the
Council,
xxxix., 244.

Mass.
Archives,
ccxxii., 293.

into his office immediately all such sums of money as they have received for the rents or profits of such estates, any bonds which such Agents may have given to the Judges of Probate notwithstanding. And it is further

Resolved that the Treasurer aforesaid is hereby impowered and directed to prosecute all such persons who may neglect to pay in such monies, agreeable to the direction given them in the Resolve for leasing said estates passed the nineteenth day of February last. [*Passed May 3.*]

CHAPTER 765.

RESOLVE DIRECTING THE SALE OF CERTAIN ABSENTEES ESTATES.

Legislative
Records of the
Council,
xxxix., 244.
Mass.
Archives,
ccxxii., 255.

Mass.
Archives,
ccxxii., 257.

Resolved that the estates lately belonging to Thomas Hutchinson, Esq^r, late Governor of this State, lying in the Towns of Milton and Dorchester; the estates lately belonging to Sir Francis Bernard, Baronet, lying in the Towns of Roxbury and Dorchester; the estate lately belonging to Sir William Pepperrell, Baronet, lying in the Town of Boston; the estates lately belonging to Joshua Loring, Esq^r, lying in the Towns of Roxbury and Boston; the estate lately belonging to Nathaniel Hatch, Esq^r, lying in the Town of Dorchester; (which estates are already confiscated to the use of this State) be immediately sold at public auction by the Committee hereinafter appointed for that purpose; and that the same Committee be and they are hereby impowered and directed to make and execute good and sufficient deeds of the same to the purchasers, or those persons who shall appear to give the highest sum for them respectively, warranting the same in the name of this State to such purchasers, upon their paying into the hands of said Committee the sums which they have bidden for such estates respectively, which monies said Committee shall pay into the Treasury, taking duplicate receipts, one of which to be lodged in the Secretary's office. Also

Resolved that Caleb Davis, Ebenezer Wales and Richard Cranch, Esq^{rs}, or either two of them, be and they are hereby appointed a Committee for the above purposes, and said Committee shall give notice in three of the Boston News Papers for two weeks successively of the time and place where such sales are to be had.

And it is further

Resolved that the money which shall arise from the sales of the above mentioned estates be and it is hereby appropriated to the purposes of recruiting those regiments in the Continental Army which were raised in this State, and the Hon^{ble} Council are hereby empowered and requested to issue their warrants on the Treasurer in favour of the respective Muster Masters in the several Counties appointed to muster Continental soldiers, for such sums of money as they judge necessary for the purpose of paying the bounty to those men who may enlist into the Continental Army, agreeable to a Resolve of this Court passed the first day of May instant. [*Passed May 3.*]

CHAPTER 766.

RESOLVE DIRECTING THE SALE OF A FORMER COMMISSARY'S STORE
IN RUTLAND.

WHEREAS there is in the Town of Rutland a store built by Capt. Amasa Davis, who was appointed by this State as Commissary for the prisoners of the Convention, which store is the property of this State, and there being no further use of said store for the purposes for which it was built:

Legislative
Records of the
Council,
xxxix., 245.
Mass.
Archives,
ccxxii., 271.

Therefore

Resolved that Mr John Fessenden be and he hereby is appointed a Committee to make sale of said store for the most it will fetch, and pay the money arising from said sale into the Treasury of this State, taking duplicate receipts for the same, one of which to be lodged in the Secretary's office, and lay his accounts before the next General Court for allowance. [*Passed May 3.*]

CHAPTER 767.

RESOLVE VESTING THE COUNCIL WITH CERTAIN POWERS DURING
THE RECESS OF THE GENERAL COURT.

WHEREAS it may be of great public utility that until the sitting of the next General Court certain powers should be lodged in Council other than those they are usually vested with:

Legislative
Records of the
Council,
xxxix., 246.
Mass.
Archives,
ccxxii., 269.

Resolved that the Hon^{ble} Council until the sitting of the next General Court be and they hereby are fully authorized and empowered to nominate and appoint, as occasion may require, such commissioned officers in any of the land forces, armed vessels or vessels of war, in the service and pay of this State and also in the militia, whose places by death or otherwise are or may in the recess of the Court become vacant, as to them shall appear fit and necessary, and put them under the command of such officer or officers as they shall judge proper.

Resolved that the Council be and they hereby are also authorized and empowered to treat and conclude Treaties of Amity and Friendship with any Indians that may arrive in this State, and make such provision for them as they may judge proper.

Resolved also that the major part of the Council shall have full power and authority to examine, allow and pass upon the pay rolls of the Seacoast men and their Commissaries' accounts, and also the pay rolls of the Militia who may have been in the service, any Act or Resolve to the contrary notwithstanding.

And it is further

Resolved that the Hon^{ble} Council be and they hereby are authorized and empowered to grant permits to any of the inhabitants of the Province of Nova Scotia for the transportation of themselves and effects into this State, who are and have been firmly attached to the American cause, any Resolve to the contrary notwithstanding.

And it is further

Resolved that the Hon^{ble} Council be and they hereby are authorized and empowered to detach from the Militia of this State, under the proper officers of the said Militia, in such manner as they may think best, any number not exceeding two thousand, to do duty out of this State but upon this Continent, in such places

as the Commander-in-chief of the American army shall direct, if the said Commander shall request the same, to continue in service for the term of four months, unless sooner dismissed by the Commander-in-chief of the department where the said Militia may be doing duty, or may be recalled by Order of the Council or General Court of said State. [*Passed May 3.*]

CHAPTER 768.

APPOINTMENT OF NATHAN BARRET AND SAMUEL LAMSON AS FIELD OFFICERS.

Legislative
Records of the
Council,
xxxix., 246.
Mass.
Archives,
ccxxii., 261.

In the House of Representatives.

The House by ballot made choice of Nathan Barret as Lieut. Colonel and Samuel Lamson first Major of the third regiment of Militia in the County of Middlesex.

In Council.

Read and concurred. [*Passed May 3.*]

CHAPTER 769.

RESOLVE ON THE PETITION OF GEORGE STILLMAN.

Legislative
Records of the
Council,
xxxix., 247.
Mass.
Archives,
ccxxii., 259.
Mass.
Archives,
ccxxii., 260.

ON THE PETITION of George Stillman in behalf of Capt. Robbins's company stationed at Machias the last summer, praying for further relief.

Resolved that there be paid out of the public Treasury of this State the sum of twenty shillings per month to each non-commissioned officer and private soldier belonging to said company, or their order, in addition to the establishment on which they were raised. [*Passed May 3.*]

CHAPTER 770.

RESOLVE PROVIDING FOR ALLOWANCE OF ACCOUNTS FOR SUPPLIES FURNISHED FAMILIES OF CONTINENTAL SOLDIERS.

Legislative
Records of the
Council,
xxxix., 247.
Mass.
Archives,
ccxxii., 275.

WHEREAS by a Resolve of the General Court passed February the 6th, 1779, the Selectmen and Committees of the several towns and plantations in this State were directed to make up their accounts for what they have already supplied the families of the officers and soldiers in the Continental Army, agreeable to a Resolve of the 10th of October, 1777, and lay the same before the General Court for examination and allowance, and as there is no provision made for payment:

Therefore

Resolved that the Committee on Accounts be and they are hereby directed to examine and allow all such accounts, the several sums so supplied being set to each person's name and said accounts being duly sworn to by said Selectmen or Committees, which sum after being allowed as aforesaid shall be deducted from the next State Tax set on said town or plantation. [*Passed May 3.*]

CHAPTER 771.

RESOLVE ON THE PETITION OF NATHANIEL THAYER AND OTHERS.

ON THE PETITION of Nathaniel Thayer, Cornelius Thayer, Samuel Bass, William Andrews and Mary, his wife, Deborah Whitworth, Sarah White, wife of John White, Christian Armstrong, wife of John Armstrong, Hannah Abbot, Mary Thayer and Rebecca Fowle, wife of Zachariah Fowle, heirs to a real estate left by the Rev. Mr Ebenezer Turell, late of Medford, deceased, praying that they may have liberty to sell said real estate for reasons set forth in said Petition.

Legislative
Records of the
Council,
xxxix., 247.
Mass.
Archives,
ccxxii., 276
Mass.
Archives,
ccxxii., 277.

Resolved that the prayer of said Petition be so far granted that the said Christian Armstrong, Sarah White and Rebecca Fowle, be and they hereby are authorized and impowered to make and execute a good and lawful deed or deeds of said estate, the absence of their husbands notwithstanding. [*Passed May 3.*]

CHAPTER 772.

RESOLVE ON THE PETITION OF ALEXANDER EDWARDS.

ON THE PETITION of Alexander Edwards, praying for relief in a certain action depending between him and Daniel Adams, of Boston.

Legislative
Records of the
Council,
xxxix., 248.

Resolved that the petitioner, Alexander Edwards, serve the adverse party with a copy of his Petition and this Order, that he may shew cause, if any he has, at the next sitting of this Court why the prayer thereof should not be granted, on the second Thursday of the next sitting of the General Court. [*Passed May 3.*]

CHAPTER 773.

RESOLVE ON THE PETITION OF CAPT. THEODORE BLISS.

UPON THE PETITION of Capt. Theodore Bliss, setting forth that he is one of the four persons left in Canada in the year 1776 as hostages for the return of such a number of persons as were then released by the enemy; that having been permitted to come home upon parole he is now ordered to return; and praying that this Court would furnish him with money to support his family here, and himself while he shall be detained in the city of New York or elsewhere in the hands of the enemy.

Legislative
Records of the
Council,
xxxix., 248.
Mass.
Archives,
ccxxxv., 27
Mass.
Archives,
ccxxxv., 28.

Resolved that there be paid out of the Treasury of this State the sum of One hundred and fifty pounds current money, and also the sum of Thirty pounds in gold and silver, to the petitioner, Theodore Bliss, he to be responsible for the same.

And it is further

Resolved that there be paid out of the Treasury of this State the sum of Thirty pounds per month to the wife of the said Bliss, during his detention in the hands of the enemy, for the better support of herself and family, and that all sums advanced in consequence of this Resolve be charged to the United States. [*Passed May 3.*]

CHAPTER 774.

RESOLVE ADJUSTING THE ACCOUNTS OF AMASA DAVIS, COMMISSARY.

Legislative
Records of the
Council,
xxxix., 248.
Mass.
Archives,
ccix., 14.

Mass.
Archives,
ccix., 14.

UPON THE ADJUSTMENT of the accounts of Amasa Davis, Commissary to the Convention Troops.

Resolved that the Committee for stating Accounts be and they hereby are directed to charge the Commissary General with sundries he received from the said Davis, amounting to Six hundred forty-one pounds, seventeen shillings and six pence.

And it is further

Resolved that the said Amasa Davis be and he hereby is directed to pay into the public Treasury the sum of Eight hundred and six pounds, twelve shillings and one penny, being the balance of accounts, upon the receipt of which sum the Treasurer is directed to give the said Davis duplicate discharges therefor, one of which to be lodged in the Secretary's office. [*Passed May 3.*]

CHAPTER 775.

RESOLVE ON THE PETITION OF ELISHA WHEELER.

Legislative
Records of the
Council,
xxxix., 249.

ON THE PETITION of Elisha Wheeler, of Sudbury, praying for compensation to be made him for a horse of his killed by the enemy on their retreat from Concord on the nineteenth of April, 1775.

Resolved that there be allowed and paid out of the public Treasury of this State to the said Elisha Wheeler the sum of Sixteen pounds, ten shillings and eight pence, in full satisfaction for the horse mentioned in his Petition. [*Passed May 3.*]

CHAPTER 776.

RESOLVE IMPOWERING SARAH WALDO, GUARDIAN, TO MAKE SALE OF REAL ESTATE.

Legislative
Records of the
Council,
xxxix., 249.
Mass.
Archives,
ccxxii., 264.

Mass.
Archives,
ccxxii., 265.

ON A PETITION of Sarah Waldo, widow of Samuel Waldo, late of Falmouth in the County of Cumberland, deceased, and Guardian to Sally Waldo, Samuel Waldo, John Erving Waldo and Lucy Waldo, the children of the said Samuel, deceased, praying for liberty to sell several lots of land in said Falmouth belonging to them upon which they depend for their education and bringing up.

Resolved that the prayer of said Petition be so far granted, as that the said Sarah Waldo be and she is hereby empowered to make sale of so many lots of unimproved land in said Falmouth as she shall judge necessary for the purposes aforesaid, not exceeding one thousand acres, she giving bond to the Judge of Probate for the County aforesaid that the proceeds of such sale shall be applied to the uses abovementioned; and the said Sarah Waldo is further empowered to make and execute deeds of such lots accordingly. [*Passed May 3.*]

CHAPTER 777.

RESOLVE ON THE PETITION OF CHRISTOPHER GORE.

ON THE PETITION of Christopher Gore, praying some allowance out of the estate of John Gore, late of Boston, painter, his father, an Absentee, for the support of himself and his sisters, minors, and for the payment of charges already arisen for their support.

Legislative
Records of the
Council,
xxxix., 249.
Mass.
Archives,
cxxxii., 262.

Resolved that the Judge of Probate for the County of Suffolk be and he is hereby impowered to examine, liquidate and allow such accounts as may be exhibited to him for the support of the children of the said John Gore heretofore, and allow so much thereof as shall appear to him to be just and reasonable, and from time to time to allow such sums as shall in future appear to be necessary for their support; and that the estate of said John Gore be answerable in the hands of the Agent for such sums as shall be so allowed, so as the same do not interfere with the debts due from said estate, and that said children be and they are hereby permitted to retain in their hands the small quantity of furniture mentioned in their Petition till the further order of the General Court. [*Passed May 3.*]



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